HOUSE OF ASSEMBLY

Thursday 28 February 1985

The SPEAKER (Hon. T.M. McRae) took the Chair at 2 p.m. and read prayers.

STATUTES AMENDMENT (REMUNERATION) BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

PETITION: FLINDERS RANGES NATIONAL PARK

A petition signed by 2 003 residents of South Australia praying that the House ensure that the Flinders Ranges National Park remains inviolate and is extended, where possible, was presented by the Hon. D.J. Hopgood.

Petition received.

PETITIONS: HOTEL TRADING

Petitions signed by 113 residents of South Australia praying that the House reconsider legislation allowing hotels to trade on Sundays were presented by the Hon. G.J. Crafter and Messrs Baker, Mathwin, and Olsen.

Petitions received.

PETITION: CONSENT TO MEDICAL AND DENTAL PROCEDURES BILL

A petition signed by 444 residents of South Australia praying that the House reject the Consent to Medical and Dental Procedures Bill or amend the Bill so as to ensure that responsibility for consent to the medical and dental treatment of minors lies with the parent or guardian was presented by Mr Mathwin.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following answers to questions without notice be distributed and printed in *Hansard.*

GOOLWA SCHOOL BUS

In reply to the **Hon. TED CHAPMAN** (20 February).

The Hon. LYNN ARNOLD: As the honourable member is aware, parents were informed late last year that problems of overcrowding could arise, and it might be necessary to exclude students not eligible to travel because bus transport from Goolwa to Victor Harbor was available to them. Parents of new year 8 enrollees were particularly advised of this as a possibility. Parents of students from Goolwa who were enrolled at Mount Compass in 1984 were advised that their students would be given priority if some students had to be excluded. There are 29 students wishing to travel to Mount Compass in 1985. Of this number, 11 are new enrollees. Advice from the Principal, Victor Harbor High School, is that the present bus from Goolwa to Victor Harbor could certainly carry the 11 new enrollees. If all 29 of the students now travelling from Goolwa to Mount Compass opted for Victor Harbor, then another bus would be required, but there is slack capacity of about 20.

It should be noted, however, that even if an additional bus was required for the Goolwa to Victor Harbor run it would not be a matter of simply running that bus to Mount Compass instead. The implications of such a concession would have a serious financial effect on a State-wide basis. Provision of such a bus would create a precedent leading to many other communities demanding similar services. It would not then be a matter of one extra bus but many more buses with drivers. The overall cost to the community of such a dramatic policy change would be beyond the present resources of the State Government. Interstate experience shows that a more liberal policy such as this request implies with regard to school buses could double the per student cost of bus travel; the accumulated State cost of school buses could therefore increase by as much as $11 million as a result of the flow-on of requests such as this into general bus policy.

It is recognised that some curriculum choices at Mount Compass are different from those at Victor Harbor. There is no constraint on the students being enrolled at Mount Compass Area School. However, parents who exercise this choice are responsible for providing transport for their students. This applies throughout the State.

HOUSE BUILDING CONTRACTS

In reply to **Ms LENEHAN** (16 October).

The Hon. T.H. HEMMINGS: The Department of Public and Consumer Affairs has consistently received consumer complaints regarding various aspects of builders' contracts. The number of complaints tends to increase at times of high level of demand when, for example, delays occur due to shortage of materials or qualified tradespeople, or simply because of poor planning or management. These delays tend to highlight the unfairness of many building contracts. Many building contracts in South Australia use the standard form recommended by the Housing Industry Association, but the Commissioner for Consumer Affairs has been critical of that form. In his 1983 Annual Report he said that some clauses in the contract give an unfair advantage to the builder, or put pressure on the consumer.

The Housing Industry Association seems to have paid little heed to these criticisms, and it is evident that consumers are being disadvantaged by the use of this contract and others which are similar to it. The Minister of Consumer Affairs has therefore requested the Department of Public and Consumer Affairs to develop some options for dealing with this problem. If it appears that legislation is required in this area, this may be included in the amendments to the Builders Licensing Act which will be introduced this year.

MINISTERIAL STATEMENT: ELECTRICITY INTERCONNECTION

The Hon. J.C. BANNON (Premier and Treasurer): I lay on the table the heads of agreement to establish an electrical interconnection between New South Wales, Victoria, and the South Australian power network. I seek leave to make a brief statement.

Leave granted.

The Hon. J.C. BANNON: Yesterday, the Deputy Leader of the Opposition requested copies of the documents in

relation to the interconnection. I mentioned that there were two: the one I have just tabled is the substantive document, the agreement between the three power authorities setting down the various terms and conditions. I referred to another document, the memorandum of understanding between the three State Premiers. I am trying to get a signed copy of that in order to table it, which I will do as soon as the House resumes. The information the Deputy Leader seeks is in the document I have tabled today.

QUESTION TIME

STATE AQUATIC CENTRE

The Hon. E.R. GOLDSWORTHY: In view of statements by contractors employed on the State Aquatic Centre that the project has become a builder's nightmare and that it will not be completed before September, will the Premier order an immediate review of the cost of the centre? Even though the Auditor-General criticised the Government for not quantifying the operational cost of the centre, and even though the Government has already acknowledged a 70 per cent blow-out in the construction cost, the Premier's answers yesterday indicated that, as Treasurer, he has not been keeping the costs under review. No wonder there was a $50 million blow-out in the State Budget last year.

Reports on two Adelaide television news services last evening have added to concern about a further significant escalation in the cost of this project, above the 70 per cent. On channel 10 news, Chris Warren quoted contractors as saying that poor design work had made the project a disaster area, and that the centre would not be completed before September. On channel 9 news, the Minister of Water Resources said that some events scheduled for June might have to be re-arranged, even though he had told the House only yesterday that the centre would open in May. The major discrepancies between what contractors employed on the project are saying and the Government's statements require the Premier to order an immediate review of the costs of the project.

The Hon. J.W. SLATER: I want to answer the question because, as I have indicated previously, the Department of Recreation and Sport is the client for the aquatic centre and the Public Buildings Department is the project manager. My replies to the questions that were asked yesterday in this place were based on the information that I had at that time.

Members interjecting:

The Hon. J.W. SLATER: Are you going to give me the courtesy and the opportunity to answer the question?

The SPEAKER: Order! I ask the Minister to address the Chair and I request other members to cease interjecting. The honourable Minister.

The Hon. J.W. SLATER: For the benefit of members opposite, this House, and the public of South Australia, I point out that the Aquatic Centre is a unique project in several ways, not only from the point of view of construction but also because it will be the only indoor all-year-round aquatic centre in the State. From statements made not only today but over a period, the Opposition apparently does not agree with or approve of the project because it is has been 'knock knock knock' all the time over the past 12 months. As I said yesterday, from the information I had the project was to open on schedule, but after discussions with the project—

Members interjecting:

The Hon. J.W. SLATER: If you want to hear me, thanks, but do not interject like a bunch of rabble.

The SPEAKER: Order! I ask the Minister to address the Chair.

The Hon. J.W. SLATER: After discussion, I understand that there is a line of problems that may cause delay. The contractor for the project (Baulderstone) is a recognised South Australian company and a good contractor.

Members interjecting:

The Hon. J.W. SLATER: I thought you people supported private enterprise but, if you want to knock Baulderstone, go ahead. That company will do the best it can. Indeed, there are problems in relation to the project itself that may cause further delay. After all, things do change, and I want to convey the facts as I know them from time to time. In terms of cost, which is an important aspect in respect of which I hope Opposition members will listen, it is still expected that the project cost will be on target at about $7.2 million.

HOUSING IMPROVEMENT ACT

Mr PLUNKETT: Can the Minister of Housing and Construction say how many tenants renting privately have benefited from house improvements and rent adjustments under the Housing Improvement Act, in the past two years? Improvements to many houses rented privately in my district have been carried out under the Act, to the great benefit of tenants. These tenants are usually low income families and they are very happy with the help that I am able to advise is available under the Act. Some landlords were delighted when the previous Government transferred the administration of the Act from the Housing Trust to local government, and just after this happened I made a call to my local council (Woodville) and was told that it was notified by the Government that no such department was set up. So, can the Minister give the House an idea of the total activity under the Act that has benefited tenants in the private market since the most recent State election?

The Hon. T.H. HEMMINGS: I think that the member for Peake has put it quite clearly that the transfer of the administration of the Housing Improvement Act from local government back to the Housing Trust has benefited many of his constituents. The Act has been given a new lease of life by this Government. The previous Government had unreasonably transferred the administration of the Act to the Department of Local Government, which did not have the resources to police it. This Government transferred the administration of the Act back to the Housing Trust to ensure that it was given full effect. Transferring the administration of the Act back to the Trust was an election promise of the Australian Labor Party, and the transfer occurred immediately on our return to office.

This Government cares about those renting privately and, as I have said before, they are the new dispossessed in our society. I have said this many times, but I leave it to the imagination of members as to why that transfer from the Trust to the Department of Local Government took place. There has never been any Cabinet submission as to why that decision was taken. There was never any consultation with the Local Government Association or the Department of Local Government, and members sitting on the front bench on the opposite side of the House who were members of Cabinet at that time can give no reason why the responsibility was transferred from the Housing Trust to the Department of Local Government.

The Department of Local Government certainly did not want it: the Housing Trust did not want to lose it. Clearly, there was one Minister (Hon. Murray Hill) in another place who decided off his own bat that he would transfer the power of the Housing Improvement Act from the Housing

Trust to the Department of Local Government and the Local Government Association. I challenge anyone who was a member of the previous Liberal Administration to defend that decision. There was no evidence: if there was evidence, I think that it was shredded early in 1982.

However, since the Act was returned to the Trust in November 1982 the substandard classification has been removed from 527 houses following satisfactory improvements. The estimated total value of these improvements is $5.7 million, which is going into a certain area of the building industry that was clearly in need of financial assistance, and this Government gave it that financial assistance.

Since the Act was transferred back, proceedings have been started in respect of 497 houses: 335 were declared to be substandard, and rents were fixed for 195. The number of tenants who have benefited from these moves cannot be exactly known because there are no records of changes in tenants in private accommodation. However, on the figures I have given, it is fair to assume that since late 1982 at least 500 low income households have had their housing conditions raised to the level expected by our community.

STATE AQUATIC CENTRE

The Hon. MICHAEL WILSON: Will the Minister of Recreation and Sport advise whether the new State Aquatic Centre will be capable of staging international swimming events to FINA standards and, if so, how many such events have already been scheduled for the centre?

The Hon. J.W. SLATER: I will obtain that information. I am not absolutely sure how many events have been scheduled for the future of the centre. In regard to the FINA overseas standards, I will obtain the information and advise the honourable member accordingly.

Members interjecting:

The SPEAKER: Order! The honourable member for Hartley has the floor.

CHAIN LETTER

Mr GROOM: Will the Minister of Community Welfare, representing the Minister of Consumer Affairs in another place, investigate the lawfulness or otherwise of a small business chain letter currently being circulated in South Australia and give an appropriate warning to the public? I have been provided with the letter by a small business person who received it. It is headed 'Attention Small Business: will you invest $5 for $1 953 125?' I will not read the whole of the letter, but only the salient parts, as follows:

The Brompton Agency of Madrid has received one of these promotional letters five times in the past year. The first time they received $370 000 in cash and almost $450 000 each other time. As a legitimate money maker and capital raiser, it brings everyone who participates up to $1 953 125 business capital. This is a means whereby business people such as yourself may, with an investment of only $5 receive the additional working capital without the necessity of applying for and repaying a loan.

Please bear in mind this is not a chain letter, but a syndicate for raising capital and getting free advertising to 390 625 companies all around the world. Follow the instructions correctly, and in approximately 60 days you shall receive up to $1 953 125 working capital.

The next sentence is emphasised in bold type and states:

You must NOT BREAK THE SYNDICATE as it is in your best interest.

DO IT NOW IT REALLY WORKS

This promotional letter was initiated by Mr Nelson Robbards of Boston, USA, for the purpose of raising capital. Since then it has been used by all kinds of business minded people like yourself.

INSTRUCTIONS

1. Immediately send $5 in CASH to the firm in No. 1 position and delete the name and address from the list.
2. Then move the name and address of the firm in No. 2 position to the No. 1 position and the name and address of the firm in No. 3 position to the No. 2 position, and so on.
3. Now, put your firm's name and address in the No. 4 position and send out 25 copies of this letter to other businesses like yourself as soon as possible. Some of these syndicates sent out even 1 000 copies of this letter to ensure the success of this syndicate.

As you expect others to send you their $5 when you are in the No. 1 position, please make sure that you send your $5 to the firm in the No. 1 position in cash.

Nofity the firm in the No. 4 position when you have sent out 25 copies.

When your firm's name and address moves to the No. 1 position, it would have 'multiplied' (25 times 25 times 25 times 25) during its journey from the No. 4 position to the No. 1 position. It will be your turn to then start receiving $5 each from 390 625 other firms, thus having raised a capital of $1 953 125 for your firm.

That is very simple! It then states, 'To make this work, do it now.' The first company named is the Novelty International Company of Western Australia, with a post office box number. I do not know whether the next one is a joke or not, but it is the Forkas Co., and appears to be situated in Oklahoma.

Then there is at No. 3 the TAWP Party Ltd Company, with a post office box address in New South Wales. At No. 4 is the AMA and Company, at Elizabeth, with a post office box address in the electorate of the member for Elizabeth. There is a note following No. 4, the AMA and Company, which says—and it is in somebody's handwriting—'This really worked for me and gave me an overseas trip as well as an added inducement'. We have seen this type of chain letter containing apparently fraudulent inducements circulated in South Australia in the past, and a further warning to the public may be needed.

The Hon. G.J. CRAFTER: I thank the honourable member for his question and his continued interest in the wellbeing of small business in the community. One would suspect that any enterprising business man would screw up that sort of letter and put it in the waste paper basket. Obviously that is not the case; a number of people have participated in it and I understand it is widespread in the community. I guess it is not just the economic incentive attached to that letter, but also the incentive of advertising the business enterprise. I will be pleased to have the letter referred to the Attorney-General for his inquiry.

STATE AQUATIC CENTRE

The Hon. MICHAEL WILSON: I wish to ask another question of the Minister of Recreation and Sport. Will the Minister admit that, if the aquatic centre is not built to FINA standards, the Government will have to build another aquatic centre if South Australia is to stage the Commonwealth Games in 1994 or 1998? The Minister showed in his answer to the previous question that he was unaware whether the aquatic centre was being built to FINA standards. The Minister has received from his Department a report which states:

If Adelaide is to host the Commonwealth Games in 1994, another aquatic centre will have to be built at a cost of $14 million.

This is because the north parklands centre will not meet standards set by FINA, the governing body of international swimming. The former Government's proposals for an aquatic centre on the West End Brewery site would have provided facilities meeting international standards at a cost of well under $14 million, but this Government is already outlaying $10 million on the north parklands centre and

will have to spend another $14 million for another centre which would meet international requirements.

In his statements about this matter the Minister has constantly emphasised that the north parklands aquatic centre will be of international standard. On 19 July 1983, when the Minister announced plans for the project, he said in a press release that it would be 'a world standard' swimming centre.

The Hon. J.D. WRIGHT: I rise on a point of order, Sir. Before the question is answered, I draw your attention to the fact that in my view the question asked by the member for Torrens is hypothetical, because it leads with 'Does the Minister believe'. If certain circumstances are to apply, it is my—

Members interjecting:

The SPEAKER: Order! There is a point of order before the Chair. I have to listen to it to rule on it. I hope honourable members will show some courtesy.

The Hon. J.D. WRIGHT: I take the opportunity while I am on my feet to say that I have never seen worse conduct in my life than I have seen in the last two days.

Members interjecting:

The SPEAKER: Order! We come back to the point of order.

The Hon. J.D. WRIGHT: The point on which I am asking you to rule, Mr Speaker, is whether a question phrased in the way in which the member for Torrens phrased it, with ifs and buts, is hypothetical. If it is hypothetical, in my view it is therefore out of order.

The Hon. E.R. Goldsworthy: Rubbish! You didn't listen to the question.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I would like silence while I consider the matter.

Mr Mathwin: There will now be two minutes silence.

The SPEAKER: Order! I rule that hypothetical questions are out of order, but that this is not a hypothetical question.

The Hon. E.R. Goldsworthy: Hear, hear!

The SPEAKER: Order! I do not need the assistance of the Deputy Leader.

The Hon. Jennifer Adamson: Bad luck, Jack.

The Hon. J.W. SLATER: I do not think it is bad luck, as the honourable member suggested.

An honourable member interjecting:

The Hon. J.W. SLATER: I will tell the honourable member all about it if he will be quiet and behave himself for a while.

The SPEAKER: Order! I now ask the Minister to come to order. One thing that has become clear since we have resumed is an unnecessary amount of gesturing to members on one side of the House or the other. Answers to questions and speeches should be and will be addressed to the Chair, otherwise the standards that have slipped over the past three weeks will continue to get worse. I ask the Minister to address his answer to me, and not to gesture or point to any other person.

The Hon. J.W. SLATER: The member for Torrens asked quite a number of questions. Basically, his question was in relation to the standard of the aquatic centre at North Adelaide. I might point out that international standards vary because of circumstances certainly beyond the control of Australian authorities. This applies not only in regard to the sport of swimming but also to many other sporting situations throughout the world. We can use hockey as an example: the general standards applying to hockey these days are not the same as was the case, say, five or 10 years ago. In relation to the North Adelaide aquatic centre the honourable member said that if (and there were a lot of hypothetical aspects in his question) the previous Government's project at Hindley Street had proceeded, that project, according to the member for Torrens, would have been of international standard. I point out, however, that the previous Government spent $800 000 of taxpayers' money on that project for feasibility studies, consultancy fees, and so on, although we finished up with absolutely nothing.

The Hon. Michael Wilson: That was your decision.

The SPEAKER: Order!

The Hon. J.W. SLATER: The aquatic centre at North Adelaide will be there for a long time. Also, I point out to the member for Torrens (and he ought to know this, because it is in his electorate) that it is a public swimming pool and belongs to the Adelaide City Council. As a consequence, we have to make do with the standard that is acceptable.

Members interjecting:

The SPEAKER: Order!

Mr Ashenden: What about holding the Commonwealth Games?

The Hon. J.W. SLATER: The Government is presently undertaking a feasibility study into the Commonwealth Games. It is not yet complete but it will be with me and the Government within a few weeks. In this regard we are looking forward some 14 years or more, and in that time situations change dramatically with standards and facilities. It may be that by that time the aquatic centre at North Adelaide may not be of a standard suitable to provide a facility for the Commonwealth Games. This applies not only to swimming but also to a multitude of facilities that need to be either built or upgraded for us to hold a Commonwealth Games.

I would have thought that members opposite, particularly the member for Hanson and others who have been great promoters of making an application, would be aware that an application to stage the Commonwealth Games must be made by the Adelaide City Council and not by the Government. In relation to the Commonwealth Games we are doing the basic work at present. As I said earlier, I seriously question whether the Opposition really supports the project and swimming generally in this State or whether it is simply playing politics on this matter. I gave an undertaking that I would supply an answer to any technical questions, the answers to which I was not aware of, and that still stands.

FLINDERS RANGES NATIONAL PARK

Mr GREGORY: Will the Minister of Mines and Energy provide a progress report on his Department's mineral exploration activities along the western margin of Flinders Ranges National Park? Most members would be aware that the Conservation Council recently launched a campaign to enlist support for its view that an exploration programme should not proceed beyond the first and second stages already approved by Cabinet. Will the Minister indicate what stage the programme has reached and whether any further stages are likely to be recommended?

The Hon. R.G. PAYNE: I can provide the House with further information. I thank the honourable member for giving me the opportunity to continue to honour an undertaking that I gave to the House and the South Australian public at the commencement of this important work in a sensitive area of a national park in order to keep them informed as much as possible. Members will recall that the exploration being undertaken by the Department 500 metres inside the western boundary of the park (if my memory serves me correctly) is part of a regional study of lower Cambrian rocks as a possible host to Mississippi Valley type lead zinc mineralisation.

The information gathered will help define target areas concealed below alluvium in a number of BHP exploration

licence areas north and west of the park. I cannot stress that point too strongly—that is exterior to the park. Work has proceeded through part of 1983 and all of 1984, except for periods when weather conditions and technical problems interrupted the programme.

In view of yesterday's proceedings, I say that the proposed programme for 1985 involves the completion of stage II. Contrary to information provided by the Conservation Council, the proposed work on stage II has not yet been completed. So, the public is in possession of information regarding the work that was proposed in stages I and II. In detail, the work remaining to be done comprises check geological mapping to prepare a larger scale plan of areas of interest, and fill-in or extensions to rock chip sample lines involving another 2 000 samples.

In the most recent report that I have received from the Department, it appears that the geophysical work carried out as a substantial part of stage II has not been particularly useful, and it is probable that these techniques will not be used in future. I pause to point out that the geophysical work involves the excavation of a number of small holes and a proper restorative process afterwards. However, as it is very likely that no more of that work will be done, the intrusive effect in the park will be even less. I am sure that my colleague the Minister will be pleased to hear that information.

I am informed that it will be several months before the remainder of stage II is completed. All the results will then have to be finally assessed and decisions made on whether to recommend any additional work. As I have pointed out previously, anything beyond the work in stages I and II would require further approval from and consideration by Cabinet.

Finally, I understand that the Conservation Council has acknowledged in the printed material that it has been circulating in its current campaign in Rundle Mall the fact that the exploration work so far carried out has had no significant effect on the park environment. That pleases me greatly, because in the beginning I explained to the House that this work was being carried out by the Government to ensure that a necessary project in the interests of the State would have a minimal effect on the national park concerned, and clearly there is agreement from the Conservation Council that that has transpired.

OLYMPIC SPORTS FIELD

Mr INGERSON: Will the Minister of Recreation and Sport say when the upgrading of the track and facilities at the Olympic Sports Field, Kensington Gardens, will take place? The Amateur Athletic Association Executive Director today announced, in frustration after dealings yesterday with the Department and expressed in the *Advertiser* today, his Association's concerns. The first concern is that in 1986 seven national sporting events are programmed for that venue. He also pointed out that the track has reached the stage where it is deteriorating at a rapidly increasing rate, and that the standard and lack of facilities is an embarrassment. The point has been made that canteen facilities are almost non-existent, seating in the grandstand is inadequate, there is a lack of facilities for the disabled, the communications system is outdated and there is insufficient lighting. The proposal for the upgrading of the sports field is estimated to cost $1.7 million.

This morning the Executive Director further advised me of his Association's awareness of and concern about a new complex planned for West Beach at an estimated cost of $10 million. He said that no-one had taken the time to discuss the concept with his Association or to seek its support for it. He also pointed out that his Association had clearly stated that it did not wish to be relocated, for many reasons—some of which are that it has an excellent ground which has one of the fastest tracks in Australia; that much money had been spent by the Association and the Government on the ground; that the layout fulfilled the needs of 98 per cent of the athletes in the State who are centrally located, and so forth. The Executive Director concluded by saying again that no-one had discussed any relocation with his Association or the cost of such relocation. They were very concerned that perhaps it had already been decided that the upgrading of Olympic Park would not go ahead.

The Hon. J.W. SLATER: I was well aware, as the member for Bragg has indicated, of a number of matters relating to the Olympic Sports Field track at Kensington. Before Mr Rogers (the Executive Officer of the Amateur Athletic Association of South Australia) visited me yesterday, I knew about a number of difficulties being experienced there. Those difficulties have also been referred to me by the member for the district, the Minister of Community Welfare. The problem, once again, is in relation to funding. The national facilities programme that we announced only a week or two ago gives hockey and other sports an opportunity to participate and—

Mr Ingerson: More money for aquatics.

The Hon. J.W. SLATER: No, it is a final payment for the aquatic centre. The member for Bragg is a learner in this field, and he talks about athletics. I have had a personal interest in athletics for many years. At one time I used to attend the Olympic Sports Field regularly on Saturdays when interclub competitions were held, and when I was associated with the Enfield Harriers. That is a good club of which the Premier is now an active member. So we are not unaware of the difficulties involved in athletics.

I had a long and interesting discussion yesterday with Mr Rogers about athletics in general. The member for Bragg referred to the article in this morning's *Advertiser* by Peter Haynes, who also has an interest in athletics. We would like to be able to upgrade the Olympic Sports Field. The point made by Mr Rogers regarding a lack of consultation on the West Beach development is not quite correct. An officer of the Department (Mike Wallis-Smith) has been seconded to undertake a wide-ranging feasibility study into the facilities available, including an athletics complex.

The matter of the West Lakes or West Beach site has not been determined. It is only a study to determine availability, which land would be the most appropriate site, and so on. Plenty of other sites took our attention as well. That study has not been completed. No commitment has been made to that particular facility. We are still looking at all the aspects regarding the Olympic track in this State.

One difficulty in relation to the Olympic Sports Field is the lack of a warm-up track, which is usually a feature in athletics. On major tracks interstate and overseas a warm-up facility is always available to competing athletes. For instance, I might use the example of *QE2* in Brisbane, which is run and administered by the Brisbane City Council. Of course, it is a nice and new facility. Competitors and users have complained that they do not get the opportunity to compete on the main track. They use the warm-up track rather than being able to use the main track, and there is a complaint about that. In South Australia, the tartan track was upgraded, but it is wearing out; there is no argument about that. I do not want to delay the House with my personal contribution in the first place regarding that track but, nevertheless, I made a personal contribution, and the Government of the day, when my previous colleague Tom Casey was the Minister, made a significant contribution to put the track down in the first place. So, the Government has not been remiss about athletics over a period of years.

We have done as much as we can, and I personally as the Minister and a member of the Government, will be doing as much as possible for athletics in the future.

ROAD SAFETY

Mr FERGUSON: Can the Minister of Transport say whether an assessment has been made of the value to road safety of daylight saving? The road death toll has shown a steady decline since the introduction of daylight saving, probably due to a number of influences. However, I seek information as to the influence of daylight saving on the road toll.

The Hon. R.K. ABBOTT: I thank the honourable member for his question. Daylight saving has been in operation in South Australia since the 1971-72 summer. Since about that time there has been a gradual reduction in the number of deaths and injuries as a result of road accidents, although, of course, there are considerable fluctuations from year to year. I am not aware of any study that has been carried out in South Australia, or in Australia for that matter, into the assessment of road safety in relation to daylight saving. Such studies would be difficult and probably inconclusive because of the many factors that have changed over that period, and the effects that any one of those changes would have would be difficult to isolate.

Significant changes have been made relating to seat belt usage. I refer also to the introduction of more vehicle design rules; changes in driver licensing procedures; greater emphasis on driver education and dangers of drink driving; improved road design; and more public awareness campaigns. One could go on and on. I am unable to give a concise response to the honourable member's question but, if any of those influencing factors can be isolated, and if any study or assessment is made of them, I shall be happy to discuss them with him.

UNDER TREASURER

The Hon. B.C. EASTICK: Will the Premier say whether the position of Under Treasurer has yet been filled and, if not, why not?

Members interjecting:

The SPEAKER: Order! The honourable member for Light.

The Hon. B.C. EASTICK: I thought that I would receive some protection, Mr Speaker.

The SPEAKER: You have.

The Hon. B.C. EASTICK: I indicate that this important position became vacant with the retirement last November of Mr Barnes, and I understand that two names were put on a short list after a Melbourne management consultant was engaged to look for suitable applicants. I also understand that neither of the two people on the short list of those who were from other States was prepared to take the position after becoming aware of the way in which the present Government organised its administrative affairs.

The Hon. J.C. BANNON: This is the first that I have heard of that. There is a short list, and an appointment will be made shortly.

REPETITION STRAIN INJURIES

Mrs APPLEBY: Does the Minister of Labour agree with recent statements by members of the Australian medical profession that tenosynovitis or repetition strain injury is unique to Australia and is simply a form of mass hysteria? An Adelaide doctor, Dr Mark Awerbuch, in a letter to the *Medical Journal of Australia,* claimed that tenosynovitis remained unreported in the rest of the world and could be unique to Australia. The letter implied that many of the reports of tenosynovitis were fictitious and were simply used by people as a means of getting out of work. A Tasmanian doctor, Dr Kevin Mackey, has supported this contention by saying that repetition strain injury is simply a form of mass hysteria. This contrasts sharply with reports I receive from groups interested in occupational health, and I wonder if the Minister could enlighten us as to whether he thinks the doctor's remarks were accurate.

The Hon. J.D. WRIGHT: First, I thank the honourable member for warning me about this question last week and giving me an opportunity to have some research done and to give some solid information to the House and the public of South Australia about this matter. I have been surprised that people in as trusted positions as the two doctors should make such ill informed comments. As Minister of Labour, I am constantly being told of human and financial costs to industry as a result of tenosynovitis. To take Dr Awerbuch's remarks first, his comments could have created an impression that tenosynovitis is in fact a complaint devised as an excuse by people who do not want to work for one reason or another. Quite simply, all the evidence shows that the good doctor is wrong.

The Hon. Michael Wilson: You're not qualified to say that.

The Hon. J.D. WRIGHT: If the honourable member listens he will find out about some research that we have done. The doctor's claim that repetition strain injury is unreported and unnoticed in the rest of the world (and that is what he said) is completely and utterly wrong. I would point out to this House and Dr Awerbuch that as long ago as 1951 in Britain a study was published detailing the symptoms of tenosynovitis. This article also states that tenosynovitis was first observed in 1818, and in 1927 a clinical study observed 189 cases of a form of tenosynovitis in a Moscow factory—of all places to find it. In the United States in 1966 a study was published entitled 'Hand, wrist, and forearm injuries—the result of repetitive motions'.

In 1972 the International Labor Organisation *Encyclopedia on Occupational Health and Safety* specifically recognised a range of inflammatory conditions associated with certain repetitive occupations. A United States study recently provided a very clear identification of tenosynovitis. It made reference to 23 other reports associating soft tissue injuries with repetitious movements. I would be only too pleased to supply members with the details of those studies if they would like to check the facts for themselves.

It can be seen from what I have said that, for at least 165 years, it has been noted in overseas countries that injuries resulting from repetitive work do in fact occur. So, Dr Awerbuch was wrong: repetitive strain injuries are not unique to Australia. The syndrome does exist, and it is not a figment of workers' imaginations. It causes great hardship and distress to people who suffer from it and also causes great costs to industry. Just how much hardship was detailed in an article in yesterday's *Advertiser?* I commend it to all members.

So, if tenosynovitis and, indeed, any form of repetitive strain injury can be eliminated, society will be the winner on a number of fronts. However, we will not be able to eliminate it if people such as Drs Awerbuch and Mackey continue to make ill informed comments about it. I welcome any informed and serious discussion on the topic, but I believe the reported remarks of Dr Awerbuch in particular qualify for neither objective.

Doctors are held in high esteem by the community generally and are seen as authoritative sources of information.

To present ill informed, poorly researched, and in some cases blatantly wrong information is an abuse of that position. An unfortunate consequence of Dr Awerbuch's remarks may be that people legitimately suffering from repetition strain injury could be seen by others in the community as malingerers. That would be doing those workers an injustice. The doctors may well be competent practitioners, but their remarks on repetition strain injury were wrong, and they both should now admit it.

PUBLIC SERVICE MANAGEMENT REVIEW

The Hon. D.C. WOTTON: Will the Premier advise whether the Government accepted the recommendations of the review of Public Service management chaired by Mr Bruce Guerin and, if so, when the Government proposes to introduce legislation to give effect to the recommendation? Among the recommendations is one for the establishment of an office of management improvement to conduct management services and reviews which are presently conducted by the Public Service Board. Page 46 of the final report states:

> This office, which should be based on the group currently being formed by amalgamation of relevant responsibilities of the Public Service Board and the Department of the Premier and Cabinet, should have a small core of welltrained and experienced staff. They should be supplemented by suitable staff from other agencies.

The report goes on to say:

> The Government Management Board will report directly to the Premier and the office will serve the Board directly.

I understand that this is one of several recommendations causing considerable concern in the Public Service, and I therefore ask the Premier to state his intentions.

The Hon. J.C. BANNON: The Government has only just received the report and will be shortly releasing it for public discussion. Obviously, the recommendations of the report will be of great interest. Far from causing concern, I see them providing great opportunities within our public sector, and there will be plenty of discussion in the period during which the report will be available for that purpose.

HOUSING DEVELOPMENT DUST

Ms LENEHAN: Will the Minister for Environment and Planning tell the House what action is being taken in respect of residents who are exposed to inconvenience, distress and expense as a result of wind blown dust from new housing developments? I have recently been approached by a number of my constituents living on the border of the Horndale Estate at Happy Valley who have complained that dust from the development has caused them extreme distress. As recently as last Saturday, the Labor Party candidate for Fisher, Phil Tyler, was contacted by residents of Southbound Drive, Aberfoyle Park, complaining of a similar problem. Because of the strong winds and the fact that there had not been any rain for approximately 100 days, the problem was particularly acute.

As this will be an on-going problem in the southern community, because of the housing boom, it has been put to me that, particularly on weekends, consideration should be given to residents experiencing this irritating and distressing problem. It also raises the question of the responsibility of the developers with respect to neighbouring residents.

The Hon. D.J. HOPGOOD: I am aware of this problem. Mr Tyler tried to ring me last Saturday morning to complain about this and, as it turned out, I was not at home, but he was having dinner with me that evening and we discussed it in some detail. I suppose the most useful thing people can do is pray for rain, because that is one way in which this problem would be resolved, at least in the short term. However, as we cannot predict rain, I have to address myself to the possibility of continuing arid conditions for some time and a continuing healthy position so far as subdivisional activity is concerned in this State.

Members will be aware of the figures which I released only a few days ago indicating the very encouraging upsurge in subdivisional activity which will turn on blocks for sale later this year and early next year, and that supply of serviced blocks will address a problem which has been developing for some time as a result of almost complete inactivity in the industry in 1979-80 and 1981 in particular.

However, given that that activity will continue and given that it is possible there will be arid conditions for some time, people have the following options open to them. They can, of course, speak to the people doing the work—put in a complaint to the developer and request that ameliorative action be taken—but that does not always meet with a useful response. They can bring the matter before their local council, and there have been several occasions on which councils have been prepared to take up the matter with the developer to enable ameliorative measures to be taken.

Thirdly, they can take it up with the Air Quality Control Branch of my Department because there are controls which are available and for which the member for Mallee possibly voted last year when the clean air legislation was introduced. There has been one occasion so far when officers of my Department have taken action under that Act, although the matter was resolved before further action had to be taken. However, legislation is available whereby developers could be required to compensate for damaged property where what might be regarded as a more than reasonable amount of dust nuisance is created.

There are some things that developers can do to ensure that these problems do not arise in the first place. First, there is a tendency to strip completely of vegetation the area to be developed before any earthworks take place, which is a short-sighted attitude, because that vegetation helps to ameliorate the dust nuisance. Secondly, water carts can and should be used continuously, particularly on hot days after a long period of lack of rainfall, and if there are high winds. Thirdly, vehicle speed should be kept as low as is consistent with the necessity to get on with the job. If developers are able to put these three things into operation, I believe that sterner action, which would be unfortunate, would also be unnecessary.

METROPOLITAN SEWERAGE SYSTEM

The Hon. P.B. ARNOLD: My question is directed to the Minister of Water Resources. Has the Engineering and Water Supply Department recently completed a report which indicates that much of the inner Adelaide metropolitan area sewerage system has reached the end of its useful life and, if so, will the Minister elaborate on the conclusions reached in the report and make a copy available to the Opposition?

I have been informed by a reliable source that the recently completed report indicates that a considerable number of sections of the sewer system in the inner metropolitan area have reached the stage where they cannot be effectively repaired for much longer. I am told that the report claims that the combined cost of replacing these assets, together with water filtration projects, will necessitate a doubling of the existing water and sewer rates. The existence of such a report was confirmed by the incident at Royal Park earlier this week, when a burst sewer main dumped thousands of litres of raw sewage on the doorsteps of local residents.

The Hon. J.W. SLATER: As the member for Chaffey has indicated, the replacement of ageing assets is a real problem. An internal report is available to me—

The Hon. P.B. Arnold: Will you make it available?

The Hon. J.W. SLATER: I will consider making it available: we do not want to hide anything. Those on this side of the House are not as surreptitious and full of intrigue as are members opposite; those experts over there make James Bond look like an amateur.

The SPEAKER: Order! I ask the Minister to answer the question.

The Hon. J.W. SLATER: Further, I have noted the trend of the questions over the past few weeks: they are more like interrogations than questions, and I would suggest that they are written by a seconded police officer. Anyway, in reply to the member for Chaffey's interrogation, I will consider whether I will make available to him and publicly the report on the ageing assets and replacement thereof by the E&WS.

CONSUMER AFFAIRS

Mr MAYES: Can the Minister of Community Welfare, representing the Minister of Consumer Affairs in another place, say whether unqualified Consumer Affairs investigating officers are used to give expert evidence on behalf of the Department in matters before the courts? A constituent has raised this matter with me with regard to a court hearing, *Maroney v Monier Limited*, in the Local Court in February 1984. My constituent argues that the evidence given before the court on behalf of the Department was given by an unqualified officer of the Department. From my own investigations I understand that there are no minimum qualifications stipulated in the Building Act or any of the regulations for what is referred to as a qualified building consultant. As a consequence, the matter raised by my constituent has some merit, considering the evidence given before that court. I have ascertained that the officer concerned had spent some years in the building industry. However, this issue is of considerable importance to my constituent and has ongoing ramifications in relation to future hearings before the courts.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. I shall obtain a report from the Minister of Consumer Affairs about the status of officers of the Department of Public and Consumer Affairs who give evidence before courts and tribunals.

US NAVAL SHIPS

Mr OSWALD: I would like to address a question to the Premier, if he can be found.

The SPEAKER: Order! The honourable member must choose someone to whom to address his question.

Mr OSWALD: This question is specifically to the Premier on a matter of Government policy.

The SPEAKER: The honourable member for Morphett must address a question to a Minister.

Mr OSWALD: Who is taking the questions for him?

The SPEAKER: Order! I will have to ask the honourable member to resume his seat unless he nominates a Minister.

Mr OSWALD: I will take the Deputy Premier.

The Hon. MICHAEL WILSON: On a point of order, Mr Speaker, it is the practice of the Speaker to inform the House who is to take questions on behalf of a Minister who is absent, but you have not done so in relation to the Premier.

The SPEAKER: The plain fact of the matter is that I was not advised of any replacement for the Premier. The honourable member for Morphett.

Mr OSWALD: I address my question to the Deputy Premier. In view of the statement made by Premier Wran in the New South Wales Parliament on Tuesday night, will the Deputy Premier, on behalf of the Premier, now say whether the South Australian Government will co-operate in the visit of United States naval ships to South Australian ports? When this matter was raised with the Premier in a question on 13 February, he attempted to duck the issue by saying that it was exclusively a Federal responsibility. However, in the New South Wales Parliament on Tuesday night Mr Wran made a statement pointing out that because the Defence (Visiting Warships) Bill, 1982, had never been proclaimed, the States retained some responsibility in this area.

Mr Wran went on to commit his Government to allow visits by nuclear powered or nuclear armed vessels, in full co-operation with the Commonwealth. In view of Mr Wran's willingness in New South Wales to make a clear and unequivocal statement on this matter, I ask the Deputy Premier to ascertain himself or from his Premier if he is prepared to give a similar commitment on behalf of the South Australian Government that it will facilitate the visit of this type of naval vessel to South Australia, if called upon to do so.

The Hon. J.D. WRIGHT: Before answering the question, I point out to the House and to the public generally that the Premier is attending a Ministers conference in Sydney, for which purpose he has had leave of the House, as I understand it, for some time. He did stay in the House until about seven or eight minutes before Question Time concluded to give members an opportunity to question him. He could have caught an earlier plane, as other Ministers have done from time to time. However, in those circumstances the Premier ought to be commended, rather than criticised.

Members interjecting:

The Hon. J.D. WRIGHT: The Premier left only six or seven minutes ago, and Question Time was almost completed. However, I make that point clear. In relation to the question asked by the member for Morphett, I have nothing to add to what the Premier said in the House when he was asked a similar question by the Leader, the Deputy Leader or someone from that side of the House. He made a clear, concise statement that this was a Federal matter. I will draw to his attention that the question has been asked by the member for Morphett, and if the honourable member wants to add anything to that he can. I am not in a position to comment, because I have not seen Premier Wran's statement.

SITTINGS AND BUSINESS

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That the House at its rising adjourn until Tuesday 12 March at 2 p.m.

Motion carried.

The SPEAKER: Call on the business of the day.

COAST PROTECTION ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Coast Protection Act, 1972. Read a first time.

The Hon. D.J. HOPGOOD: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill amends the Coast Protection Act, 1972. It gives effect to changes that arise from a review of the operation of the Act over the past 12 years, and the recent introduction of regulations constituting works of a prescribed nature. The amendments are intended to clarify certain provisions of the Act, to make minor changes of a procedural nature and to provide for more effective implementation of the Act. The Bill clarifies the position of the Coast Protection Board in respect of its authority to undertake the beach replenishment programme.

The Bill makes some minor amendments to provide that the West Beach Trust has the same rights and obligations as local councils under the Act. At present the Trust is responsible for the management of coastal land and yet has none of the rights and obligations given to councils. The Bill extends the period for making representations on management plans. This amendment brings the Act into line with the advertisement provisions applying to amendments to the Development Plan under the Planning Act, 1982.

The Bill provides for the appointment of wardens to overcome limitations in controlling 'restricted areas' declared under the Act. A number of restricted areas have been declared, mainly in sand dune and sand carting areas. Where areas are fenced unauthorised access by the public is reduced although by no means eliminated. In some cases restricted area signs and fencing are ignored altogether. A particular problem has been with the use of motor bikes in dunes. The Board has experienced considerable difficulty in enforcing the restricted area provisions of the Act. Although the Act in its present form does not preclude appointment of persons who may assist in policing restricted areas, such persons would not be empowered to act beyond their capacity as ordinary members of the public. Offenders would not be obliged to comply with any request which is made by such persons.

To overcome these limitations the Bill provides for the appointment of wardens to assist the Board in carrying out its duties to investigate alleged breaches of prohibitions and restrictions applying to a restricted area, to prevent or terminate any breaches of such prohibitions and to lay complaints alleging commission of offences. The Bill provides for the Board to delegate its development control powers as considered appropriate. This same provision is available to the South Australian Planning Commission under the Planning Act, 1982. This amendment will enable the Board to administer its development control powers more efficiently. The Bill limits the time in which a person aggrieved by a decision by the Board can appeal to the Planning Appeal Tribunal. This provision is also an integral feature of the Planning Act, 1982. This amendment will provide a more certain finality to the Board's decision and ease the administrative burden of the State Government in preparing evidence at appeal hearings.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends the definition section, section 4 of the principal Act. The clause inserts a definition of 'council' which includes, in addition to a council within the meaning of the Local Government Act, the West Beach Trust established under the West Beach Recreation Reserve Act, 1954, 'Area', in relation to a council, is, accordingly, defined to include the foreshore within the meaning of the West Beach Recreation Reserve Act. Clause 4 inserts a new section 13a providing for delegation by the Coast Protection Board of any of its powers or functions to the Chairman or any other member of the Board or the Secretary to the Board or any officer engaged in the administration of the Act. Any delegation is to be subject to the approval of the Minister, may be made conditional and is subject to revocation at any time.

Clause 5 amends section 20 of the principal Act which provides, at subsection (4), for the notification and publication of management plans prepared by the Coast Protection Board and, at subsection (5), for the making of representations by councils affected by a management plan. The clause amends subsection (4) so that the Board is required to publish a newspaper advertisement inviting any interested person to make representations upon a management plan within a period of not less than two months specified in the advertisement. At present, the period referred to in subsection (4) is the period of two months from the date of publication of the advertisement. The clause makes a consequential amendment to subsection (5) so that councils will be required to make their representations within the period specified in the advertisement. Clause 6 inserts a new section 21a that is designed to ensure that the Coast Protection Board clearly has power to remove sand and other material from one part of the coast (not being private land) to another part of the coast for the purpose of protecting, restoring and developing the coast or any part of the coast.

Clause 7 amends section 28 of the principal Act which provides for a right of appeal to the Planning Appeal Tribunal against a refusal by the Board to approve the carrying out of prescribed works in a coast protection district. The clause inserts a new provision providing that such an appeal must be instituted within two months after the person receives notice of the decision to be appealed against or within such longer period as the Tribunal may allow. Clause 8 increases from $50 to $200 the penalty fixed under section 34 (5) for contravention of any prohibition or restriction imposed in relation to access to a restricted area. Clause 9 inserts a series of new sections providing for the office of warden under the Act. A warden is to be empowered to require any person found committing, or suspected on reasonable grounds of having committed, an offence against the Act to state his name and address or to require a person to leave a restricted area. The clause inserts an evidentiary provision and a provision for the summary disposal of proceedings for offences against the Act.

The Hon. D.C. WOTTON secured the adjournment of the debate.

STATUTES AMENDMENT AND REPEAL (CROWN LANDS) BILL

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Crown Lands Act, 1929, the Irrigation Act, 1930, and the Marginal Lands Act, 1940; and to repeal the Agricultural Graduates Land Settlement Act, 1922, the Crown Lands Development Act, 1943, the Land Settlement (Development Leases) Act, 1949 and the Livestock (War Service Land Settlement) Act, 1947. Read a first time.

The Hon. D.J. HOPGOOD: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill embodies the more pressing aspects of the Government's proposals to rationalise the land tenure legislation. It is the forerunner of more extensive proposals to consolidate other land tenure Acts into one statute. Its objectives are:

1. To repeal four Acts which have basically satisfied their original intent and to protect the interests created under tenures issued under those Acts.

2. To provide for the Governor to issue land grants without first seeking the advice and consent of the Executive Council and to provide that all leases and land grants previously issued shall be valid notwithstanding that they were issued without the advice and consent of the Executive Council.

3. To transfer some of the powers and responsibilities of the Governor to the Minister of Lands. This proposal coincides with a similar objective which previous Governments had while in office.

4. To further promote the concept of service to the community through regional offices by providing wider powers of delegation by the Minister of Lands, the Director of Lands and the Land Board.

5. To abandon the current two-tiered system of dedicating or reserving Crown Lands for various purposes by proclamation and introducing a single dedication system which requires the publication of a Ministerial notice in the *Government Gazette.*

6. To establish $25 as the minimum annual rental to apply to all new leases and that the amount may be varied from time to time by the Minister of Lands by notice in the *Gazette.*

7. To simplify the administrative procedures involved with the implementation of transactions relating to Crown tenures and lands of the Crown and thereby reduce operating costs while at the same time providing a better service to the community.

8. To provide the legislative authority to implement agreed tenure arrangements (life leases) under the shack site policies of the present and previous Governments.

9. To relieve the Minister of Lands of his responsibilities as a district council in respect to certain Government-controlled irrigation areas.

The four Acts to be repealed are as follows:

1. The Crown Lands Development Act provided the authority for the Minister of Lands to develop lands for settlement for primary production. It relied on many of the machinery and operational provisions of the Crown Lands Act to implement the allocation and administration policies of the lands so developed. No development has been undertaken for many years and the Act is no longer required, but, to cover the eventuality of the need for future development, some variation to the powers of the Minister under the Crown Lands Act have been incorporated in the Bill.

2. The Land Settlement (Development Leases) Act authorised the issues of leases to the Australian Mutual Provident Society and other 'approved persons' for the purpose of promoting land settlement on Crown Lands. Large areas of the Upper South East were developed by the AMP under the scheme and no further development is being or is likely to be undertaken under the provisions of this legislation. All terminating tenures issued under the Act have expired and the area is now held under perpetual leases issued in terms of the Crown Lands Act and thus the Act has served its purpose.

3. The Agricultural Graduates Land Settlement Act encouraged and assisted the settlement of graduates of Roseworthy Agricultural College. These separate land acquisition and allocation provisions and arrangements for making advances available are no longer necessary. No amounts advanced under the Act by the State Bank remain outstanding.

4. The Livestock (War Service Land Settlement) Act empowered the Minister of Lands to buy, sell and breed livestock and dispose of their products. This power was conferred for purposes connected with the war service land settlement scheme, i.e., to assist settlers to build up their flocks and herds and to utilise the feed and pasture on Crown lands during the development stages. All aspects of development were completed many years ago and the provisions of this Act are no longer required.

There are a number of current leases which were issued under the provisions of these four Acts. This Bill incorporates transitional provisions which will safeguard the rights of the Crown and protect lessees and all parties with registered interests. Under the terms of the Bill, these leases and lessees will become subject to and enjoy all the provisions of the Crown Lands Act.

The question of whether the Governor can exercise his powers to issue land grants and leases under the land tenure Acts without first seeking the advice and consent of the Executive Council has been the subject of some investigation and legal argument. Such advice and consent apparently has not been sought for many years, if ever, and in order to remove any doubt as to the effect of the practice which has been followed, the Bill includes provisions to protect the validity of tenures issued during that time. As the issuing of land grants is considered to be a simple process within the total land tenure system it is inappropriate for the Executive Council to be burdened with such a routine task. Provision is therefore included to authorise the Governor to issue land grants without reference to the Executive Council.

In addition to the provisions which transfer some of the powers and responsibilities of the Governor to the Minister of Lands (which stemmed from representations by a former Governor), the Bill gives the Minister authority to delegate his powers and responsibilities under the Crown Lands Act (other than certain powers transferred to him from the Governor under the provisions of this Bill) and under other Acts dealing with the disposal of lands of the Crown, e.g., the Irrigation Act, to the Director of Lands. Under the provisions of this Bill, the Director and the Land Board, subject to the Minister's approval, will also be able to delegate their powers and responsibilities to appropriate departmental officers. This will significantly enhance the ability of the Department of Lands to effectively and efficiently provide a service to its clients without the administrative humbug that hitherto has been necessary to meet archaic legislative requirements.

As a result of the need to set land aside to meet the complex multiple land use requirements of the community, it is now difficult to determine whether the reservation provisions of the Act should be applied or whether it is more appropriate to adopt the dedication provisions. The Crown Solicitor has advised that the relevant sections of the Act seem to overlap and, in terms of modern Statute law, there is now no substantial difference between dedicated lands and reserved lands. The Bill therefore abandons the two-tiered system and provides for the creation of reserves by 'dedication' only—all relevant references in the Act to 'reservation' being deleted. The Minister will have the power, by notice in the *Gazette,* to resume dedicated lands for which a trust grant has not been issued. However, the right to resume dedicated lands granted in trust and, where required, cancel the grants, and also the power to free land from trusts and cancel the grants will be retained by the Governor and exercised through the current proclamation procedure.

The current minimum annual rental under a lease or an instalment under an agreement to purchase is $5 and was fixed some years ago. This minimum amount, which can only be regarded as of little significance in terms of today's money values, applies only to new tenures entered into since that date, including new leases issued on the subdivision of existing tenures where no change in land use has occurred. This Bill provides for a minimum annual rental of $25 or such other amount as the Minister may fix from time to time by notice in the *Gazette*. This minimum will apply only to new leases issued after the commencement of these new provisions. In this context it is of interest to note that, of some 22 000 current perpetual leases issued under the Crown Lands Act and other land tenure Acts since 1889, over 15 000 (almost 70 per cent) attract rentals of less than $20 per annum with the average rental of that 70 per cent being less than $7 per year. (About 6 600 leases attract rentals of less than $5 per annum.)

In view of the high prices being paid for land held under perpetual lease and the very nominal rentals which generally apply to those leases, consents to applications to transfer are not withheld pending payment of any outstanding rental as such action could lead to unjustified delays in settlement. To ensure that the right to subsequently recover any arrears is not lost, the Bill provides that any incoming lessee shall be jointly and severally responsible with the former lessee for the payment of such amounts together with any penalty for late payment.

The Bill significantly simplifies the land allocation, leasing and sale systems and the numerous associated administrative arrangements by:

1. Simplifying the provisions under which land can be sold or leased to adjacent or nearby owners or occupiers.
2. Removing the current limitations under which Crown Lands may be offered at auction.
3. Streamlining the procedures involved in the disposal of properties surplus to the requirements of the Government and its instrumentalities.
4. Providing an alternative, by way of mortgage, to purchase the fee simple of lands instead of under an agreement to purchase.
5. Amending the manner of calculating and recovering penalty interest for late payment of rentals and other amounts due under all Crown tenures.
6. Exempting Crown tenures from any charge for stamp duty on rentals and other payments due under those tenures because the very limited revenue derived therefrom falls far short of the cost of collection.
7. Providing the right to review the covenants and conditions of new leases issued following the subdivision of existing tenures and thereby have the opportunity to protect the Crown's residual interest in leasehold lands.
8. Authorising the issue of easement titles to protect installations of public utilities, local governing authorities irrigators, etc., and provide for other rights of way where appropriate.
9. Releasing lessees from the requirement to obtain Ministerial consent before mortgaging or encumbering Crown tenures.

The shack policy adopted by the present and previous Governments provides that shack owners be granted miscellaneous leases for life and, on their death, a lease for life be issued to the surviving spouse. However, as the Act does not provide for the issue of life leases, special provision is necessary to satisfy the agreed expectation of the shack-owning community. The Bill will permit the implementation of the agreed shack tenure arrangements.

To facilitate the implementation of departmental management plans for reserves, particularly where substantial development of land set aside for community purposes is required, miscellaneous leases for a term in excess of the current limit of 21 years are considered necessary. The Bill removes this limitation and also enables these leases to be extended by endorsement rather than having to resort to the preparation of new leases when further occupation is granted. It should be noted that other Ministers have much wider powers to lease and sell lands of the Crown than are currently available to the Minister of Lands when dealing with Crown lands under the provisions of the Crown Lands Act. This Bill is intended to minimise that anomaly and to provide the Minister with the opportunity to operate on a more commercial basis and to ensure equitable financial returns which more accurately reflect the Crown's residual interest in lands of the Crown and tenures held from the Crown.

In terms of section 115 of the Irrigation Act, the Minister of Lands is deemed to be a district council in respect to every irrigation area not within the boundaries of a district council district. This provision is anachronistic as it was originally enacted to enable the Minister to exercise all the functions of local government during the development phases of irrigation areas as local government authorities, in the context of the Local Government Act, had not been established in those areas. It is now inappropriate for the Minister of Lands to exercise the powers of a district council, particularly as regards planning matters. The Bill therefore includes a provision to repeal the relevant section of the Irrigation Act. In summary, the measures proposed by this Bill will significantly rationalise and simplify the land tenure legislation in this State. These proposals should be welcomed by all those persons dealing with tenures under the Crown Lands Act and related statutes who have in the past found transactions involving Crown tenures to be an extremely complex and time-consuming business. This Bill will undoubtedly reduce that complexity.

Clauses 1 and 2 are formal. Clause 3 provides for the commencement of the Act upon proclamation. Clause 4 makes consequential amendments to the arrangement of the Act. Clause 5 adds definitions of 'lease', 'miscellaneous lease' and 'perpetual lease', and deletes all references to 'reserved lands'. Clause 6 provides that lands are adjacent to each other, notwithstanding that they are separated by a railway.

Clause 7 inserts a transitional provision that brings under the Crown Lands Act all current leases and agreements under the various Acts repealed by clause 71. Reserved lands are deemed to be dedicated lands, and proclamations of the Governor are preserved except to the extent to which they are abrogated by future notices of the Minister. New section 4c validates Crown leases, grants, etc., issued by the Governor without the advice and consent of Executive Council and makes it clear that this practice may continue. Clause 8 is a consequential amendment. Clauses 9 and 10 divide the present powers of the Governor between the Governor and the Minister. New section 5aa provides that the Governor will continue to have the power to grant the fee simple in Crown lands or dedicated lands, and to resume dedicated and other set apart lands in certain specified circumstances. New section 5ab empowers the Minister to require payment of a premium where the owner of dedicated lands, or lands set apart for particular purposes, seeks to have the lands freed from the trusts. It is intended that such a premium will be fixed having regard to the concession price at which the owner may have originally acquired the lands, and the likely increase in value of the lands arising out of the proposed removal of the restrictive trusts.

Clause 10 provides that the Minister will have the power to dispose of interests in Crown lands in all other ways, whether by granting leases, agreements to purchase or licences. Paragraph *(b)* of clause 10 empowers the Minister to

grant easements over Crown lands, dedicated lands, lands held under licence and, in certain cases, over lands comprised in a lease or agreement. This power is similar to the power recently inserted in the Irrigation Act in relation to the granting by the Governor of easements in irrigation areas (which is repealed later in the Bill). The power to reserve lands is repealed, and the purposes for which lands may be dedicated are amplified to include the purposes for which lands may presently be reserved. Paragraph *(k)* provides that the Minister may, when placing the care, control and management of dedicated lands in the hands of any authority, impose conditions as to how those lands must be managed or used. Several obsolete provisions are repealed and various consequential amendments are made to this section.

Clause 11 provides for the automatic expansion of a mortgage or encumbrance over a tenure that has been enlarged by virtue of an extinguished easement. Clause 12 provides that the Minister, instead of the Governor, is to determine the form of grants and leases, etc. Clause 13 provides that the Governor, the Minister and the Registrar-General are to sign all grants issued under the Act. Clause 14 makes a consequential amendment. Clause 15 repeals two now redundant sections. Clause 16 makes a consequential amendment. Clause 17 widens the powers of the Minister in respect of waiving conditions, deferring payment, extending time limits, reducing sums payable under the Act, etc. The purposes for which the Minister may develop Crown lands, and the services he may provide in so doing, are broadened to include the powers given to the Minister in this respect under the repealed Crown Lands Development Act.

Clause 18 gives a power of delegation to the Minister and the Director of Lands. Clause 19 gives a similar power to the Land Board. Clause 20 repeals a provision that requires the Minister to publish in the *Gazette* the names of successful applicants for perpetual leases or agreement. This is an unnecessary administrative procedure. Clause 21 empowers the Minister to determine the conditions and covenants to be inserted in a perpetual lease granted under the Act. The Minister may exclude from a lease any of the conditions set out in the schedules to the Act. Clause 22 provides that the Minister is to determine the form, conditions and covenants of agreements to purchase, and may exclude from an agreement any of the conditions set out in the relevant schedules.

Clause 23 provides that the minimum rent under leases granted after the commencement of this Act, and the minimum instalment for agreements to purchase entered into after that date, will be $25, or such other amount as the Minister may fix from time to time. This provision applies to leases under all Acts dealing with the disposal of lands of the Crown. Clause 24 repeals a section dealing with the reduction of rent or instalments by the Minister. This power has already been provided in section 9 of the Act. Clause 25 provides for the interest rate to be increased where an agreement is extended at the request of the purchaser. Clause 26 repeals a section that is now comprehended by the increased powers of the Minister under section 9 to reduce amounts fixed under leases.

Clause 27 repeals a section that provides for subletting, which is now covered by new section 225 of the Act. Clause 28 provides that a penalty at the prescribed rate is to be added to overdue rent or an overdue instalment upon the amount being unpaid for a period of 30 days. This flat rate will be added annually thereafter while the amount remains unpaid. The penalty will be a prescribed percentage of the overdue amount, or a prescribed minimum penalty, whichever is the greater. This provision is to apply to leases and agreements under any Act dealing with the disposal of Crown lands. Clause 29 amends an incorrect expression. Clauses 30 and 31 remove the current monetary limits on the value of parcels of land that may be added to existing leases, agreements or land grants. The Minister will have an unfettered power to add a parcel of land to an existing holding where he is of the opinion that such a parcel is either adjacent to the existing holding, or is so situated that it might conveniently be worked as one holding with the existing holding, and if he is satisfied that there is no reason for offering the land to the public at large.

Clause 32 repeals three sections that specify some of the purposes for which miscellaneous leases may be granted. These purposes are comprehended by section 77 of the Act and are therefore superfluous. Clause 33 enables miscellaneous leases to be granted for any fixed terms the Minister thinks fit. The current limitation of granting 21 year terms is too restrictive in respect of some long-term developments. Clause 34 repeals a section that is now included in section 9 and inserts two new sections. New section 78a enables miscellaneous leases to be renewed by notice, as a further option to the present situation where a new lease must be granted each time a miscellaneous lease expires. The Minister will have the power to vary the terms and conditions of a lease upon renewal. New section 78b enables the grant of miscellaneous leases for life to certain shackholders whose shack sites are determined as being unsuitable for freeholding. A lease for life may be granted to the current lessee or licensee, to a spouse of such a person (including a putative or *de facto* spouse), or to any other person whose use or enjoyment of the lands warrants the granting of such a lease.

Clauses 35 and 36 effect consequential amendments. Clause 37 is consequential upon the amendments made to section 58 of the Act relating to penalties upon unpaid amounts. Section 58 will henceforth apply to closer settlement leases and agreements. Clauses 38 and 39 repeal two sections that are now covered by section 9. Clause 40 is a consequential amendment. Clause 41 similarly repeals a section that is now comprehended by section 9. Clause 42 simplifies the provisions relating to the surrender of leases for subdivision purposes. It is also provided that leases granted pursuant to surrender under this section may contain different terms, conditions, covenants, etc., from the surrendered lease.

Clauses 43 and 44 clarify the procedures to be followed when a lessee surrenders his lease for another Crown lease. The Minister must first approve the application for surrender before the board recommends to the Minister a rent or purchase price. The Minister then fixes the rent or purchase price at such level as he thinks fit. Clause 45 is a consequential amendment. Clause 46 recasts the provisions of the Act relating to the power of a lessee or purchaser to deal with his interest in the lands. The consent of the Minister will no longer be required to the mortgaging or encumbering of a lease or an agreement (unless of course the Minister is a mortgagee). The old cumbersome procedures relating to gazettal of proposed transfers and third-party objections are abolished. Clause 47 is a consequential amendment. Clause 48 broadens the power of the Minister to offer Crown lands for sale by auction. As the Act now stands, apart from town land, suburban lands and other special blocks, the Minister may only sell by auction parcels of lands that do not exceed $4 000 in value.

Clause 49 repeals the section that provided that lands developed by the Crown for residential purposes must be sold by auction—a qualification that has proved to be needlessly restrictive. Clause 50 broadens the power of the Governor to grant the fee simple of Crown lands to certain authorities. It is provided that such grants may be made for no consideration, and may be made to any Commonwealth or State Minister, authority, instrumentality or agency and

any local government authority. Clause 51 repeals three provisions that deal with the power to exchange Crown lands for other lands. These provisions are no longer used and there is, in any event, power to exchange lands under an earlier provision of the Act.

Clause 52 is a consequential amendment. Clause 53 repeals Part XV which gives the Minister special powers in respect of lands beyond Goyder's line of rainfall. These provisions are now superfluous in view of the Minister's wider general powers under section 9. Clause 54 inserts two new sections. New section 249d provides that the consent of the Minister is no longer required to the mortgaging or encumbering of a lease or an agreement. This section applies to leases and agreements under any Act dealing with the disposal of lands of the Crown and also applies in relation to documents that may have been executed but not registered before the commencement of this amending Act. New section 249e provides that an incoming lessee is jointly and severally liable with an outgoing lessee for overdue rent.

Clause 55 provides that dedicated lands shall automatically be under the care, control and management of the Minister until such time as the fee simple is granted to some person, or the care, control and management of the lands is vested in some other person or authority. Clause 56 inserts a new section which gives the Minister the power to lend moneys to a person for the purpose of acquiring the fee simple of any Crown lands, whether as a direct purchase, or upon surrender of a lease. The Minister can lend up to 80 per cent of the purchase price upon the security of a registered mortgage. Clause 57 and 58 are consequential amendments. Clause 59 exempts from stamp duty all leases and licences under any Act dealing with the disposal of lands of the Crown. The administrative costs of collection far outweigh the revenue derived from this levy.

Clause 60 broadens the power of the Minister to acquire lands for any purpose. If the Minister wishes any acquired lands to fall back into the Crown lands pool, he may cause the certificate of title to be cancelled. Clauses 61 and 62 are consequential amendments. Clause 63 remedies an anomaly. Surplus lands that the Minister may wish to dispose of are sometimes embodied in certificates of title. The definition of Crown lands excludes such lands, and therefore the section as it now stands cannot be used for the disposal of surplus lands unless the certificates of title are first cancelled. The amendment contained in paragraph *(b)* will enable such lands to be sold without cancellation of the titles. Various consequential amendments are also effected. Clauses 64 to 71 (inclusive) are consequential amendments.

Clause 72 repeals the sixth schedule which is now redundant by virtue of the repeal of section 76. Clause 73 repeals sections 41, 41a and 115 of the Irrigation Act. The repealed secion 41 applied section 5 of the Crown Lands Act to lands within irrigation areas. Section 5 by virtue of its own terms applies to such lands anyway, and so the repealed section is superfluous. Section 41a which provided for the granting of easements in irrigation areas is repealed as this power is now included in section 5 of the Crown Lands Act. The repealed section 115 constituted the Minister as the council for an irrigation area that fell outside local government council areas. Clause 74 amends the Marginal Lands Act by inserting and deleting several references in the section that applies specified sections of the Crown Lands Act to marginal lands. The sections of the Crown Lands Act dealing with minimum rent and instalments (section 47), the power of the Minister to add parcels of land to Crown leases (section 66a), and the right to surrender for subdivision (section 206), are inserted. Clause 75 repeals the Agricultural Graduates Land Settlement Act, the Crown Lands Development act, the Land Settlement (Development Leases) Act, and the Livestock (War Service Land Settlement) Act.

The Hon. P.B. ARNOLD secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL (No. 2)

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Real Property Act, 1886. Read a first time.

The Hon. D.J. HOPGOOD: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill is aimed primarily at streamlining and clarifying the operation of the planning system by implementing amendments recommended by the final report of the Planning Act Review Committee. This committee was appointed by the Government to review the operation of the Planning Act and related parts of the Real Property Act. During the course of its deliberations the committee undertook extensive public consultation and received submissions from a number of organisations. The committee published its report in December 1983 and received a large number of comments on the specific proposals in that report. The Bill has resulted from a lengthy and extensive consultation period, and from an expert observation of the operation of the land division procedures under the Real Property Act for nearly two years.

The Bill also amends section 2231a of the Real Property Act. This is the interpretation clause and includes the definition of an allotment, i.e. the planning unit or viable parcel of land that has been formed by the planning system. Any dealing with land which is less than a full allotment is an unlawful dealing and void as provided for by section 2231b.

There are occasions where allotments, whether they be an allotment in a plan or a section in a hundred, are intersected by a feature such as a railway or a road and therefore comprise two, and sometimes more, separate polygons. These polygons are at present identified with the same number. This is now undesirable, as modern planning practices and the computerisation of certain land information systems of several Government departments require each polygon to have a separate number or identifier. The Bill is therefore amending the definition of allotment to provide for separate numbering of these polygons without implying that separate certificates of title can issue for them unless prior planning approval has been obtained.

The existing legislation has been found to cause inconvenience and often undue hardship in cases where a proposed plan of division requires a private easement to be created. These easements may vary from right of way for access to public streets, party wall rights for the support of buildings either side of a common wall, easements for water supply or stormwater drainage, sewerage and other effluents, electricity and television signal supply. The Act requires these easements to be granted before the division plan can be deposited by the Registrar-General and the problem arises in those cases where a sale to a second party is not yet contemplated. As it is not possible at law for a proprietor to transfer an interest in land to himself, many plans requiring the creation of private easements cannot be deposited until a sale of an appurtenant allotment occurs. As this may not happen for some considerable time, applicants for a division of land who have entered into short term finance arrangements can experience hardship. The Bill therefore provides the ability for applicants to grant a private easement

to themselves within the application to the Registrar-General for the deposit of the plan.

Clause 13 of the Bill amends the open space requirements of the Act when land is divided. The current provisions provide that when land is divided into 20 allotments or less, the South Australian Planning Commission may require a fixed monetary payment for each new allotment. This money is then used by the Minister for Environment and Planning for the acquisition and development of open space. Where land is divided into more than 20 allotments, the council for the area may require either the same monetary contribution per each new allotment, or may require that up to 12½ per cent of the land be provided as local open space, to be vested in the council.

The Bill amends these provisions in two ways. First, where land is divided into 20 allotments or less, the amendments will allow the Commission to agree to accept a lesser contribution for regional open space, provided land is to be vested in council as local open space in proportion to the reduction in monetary contribution. Secondly, where land is divided into more than 20 allotments, the amendments will allow the council (or the Commission outside of council areas) to require either 12½ per cent of the land as open space, the monetary contribution, or some land, and some money to develop that land, at rates fixed in proportion to the formula in the Bill, which allows half money half land, or three quarters money and one quarter land, etc. In all cases, the total amount will not exceed the maximum contribution. The amendments do not alter the amounts of monetary contribution per allotment.

The Bill makes other innovations designed to further simplify land transactions, particularly those relating to the planning system. For example, the long form of the definition of a right of way has been included in the fifth schedule of the Real Property Act for many years and similar definitions of other types of easements most frequently used are now also being included. This will considerably shorten some Real Property Act instruments, title descriptions and registrations. The Bill also eliminates the need to register a plan of division as its deposit is deemed sufficient.

Clauses 1 and 2 are formal. Clause 3 amends section 88 of the principal Act. The change will allow the Registrar-General greater flexibility when recording the grant or creation of an easement. Clause 4 inserts new section 89a into the principal Act. The new section provides for the use of forms of easement set out in new schedule 6 of the principal Act. Clause 5 inserts a new subsection into section 90 of the principal Act. The new subsection limits the operation of the section to those plans of subdivision lodged with the Registrar-General before the commencement of the amending Act. Section 90 has not been used in recent years and with the introduction of new section 223lo into the principal Act by this Bill its operation will be redundant in respect of future plans.

Clause 6 amends section 223la of the principal Act which provides definitions for Part XIXAB of the principal Act. New paragraphs *(c)* and *(ca)* of the definition of 'allotment' will accommodate the new computerised planning service which will be adopted by the Lands Titles Office as well as other Government departments over the next few years. New paragraph *(d)* of the definition is designed to distinguish between pieces of land defined on a plan of division for allotment purposes and those defined for other purposes such as the creation of an easement, in relation to heritage agreements or land management agreements. Paragraph *(d)* of this clause defines the easements created pursuant to section 223ln as 'service easements' in order to distinguish them from easements created under new section 223lo and referred to in subsequent amendments. Paragraph *(e)* of the clause incorporates the substance of paragraphs (i), (ii) and (iii) of the existing paragraph *(d)* of the definition of 'allotment'. This has been done to simplify new paragraph *(d)* of the definition.

Clause 7 amends section 223lb of the principal Act. Paragraph *(a)* alters subsection (3) so as to place responsibility in relation to void instruments on those who lodge the instruments for registration. The new paragraphs inserted in subsection (4) embrace contracts that contemplate a division of land by strata plan under Part XIXB as well as those that contemplate division of land under Part XIXAB. New paragraph *(c)* requires that such a contract must provide that the dealing with the land will not take effect until the plan of division or strata plan has been deposited by the Registrar-General in the Lands Titles Registration Office. Clause 8 makes consequential amendments to section 223ld of the principal Act. Clause 9 amends section 223le of the principal Act. Paragraphs *(a)*, *(b)* and *(e)* of this clause remove references to registration of plans of division. There is no advantage in providing for registration as well as deposit of the plan and the change brings this provision into conformity with others in the principal Act. Paragraph *(c)* makes a consequential change. New subsection (2a) inserted by paragraph *(d)* provides for the exclusion of easements over roads and open space shown on a plan of division. Clauses 10 and 11 make similar amendments to section 223lf and 223lg.

Clause 12 amends section 223lh of the principal Act to provide a mechanism to compel councils and the Commission to act promptly when formulating a statement of requirements under this section. Clause 13 makes the amendments already mentioned to section 223li of the principal Act. New subsection (6) corresponds with existing subsection (5). However, when counting allotments for the purpose of determining open space contributions the smallest will be counted first under the new provision. The importance of this is that under subsection (3) it is only the allotments under one hectare in area in relation to which contributions are required. Clause 14 replaces section 223lk with a new provision that sets out in detail the circumstances in which an applicant for a certificate of approval may appeal to the Planning Appeal Tribunal and the powers that the Tribunal may exercise on appeal. The purpose of the amendments is to speed up the process whereby disputes in relation to the obtaining of certificates of approval are resolved. Clause 15 expands the operation of subsection (4) of section 223ll of the principal Act.

Clause 16 makes amendments to section 223ln of the principal Act to include authorities, in addition to the Electricity Trust of South Australia, that provide electricity in various parts of the State. Clause 17 replaces section 223lo of the principal Act with a new provision. The substance of the existing section will be inserted into the Planning Act, 1982, as section 51a of that Act. New section 223lo inserted by this clause provides for the creation of easements shown on a plan of division. The new provision overcomes the problem that, where land is being divided, the dominant and servient land are usually in the ownership of one person. The Registrar-General has taken the view that a proprietor can not grant an easement to himself. Planning approval for division of land is often given subject to the creation of easements. Therefore subsections (4) and (5) provide that an easement created under this section may only be altered or extinguished with the approval of the appropriate planning authority. Clause 18 makes a minor amendment to section 223md of the principal Act.

Clause 19 amends section 223me of the principal Act. This section, which deals with appeals against a refusal to issue a certificate of approval for a strata scheme, is silent on the length of time for an appeal to be lodged. The proposed amendment to subsection (4) provides for a two

month limit on this period, or such longer period as the Planning Appeal Tribunal may allow. Clause 20 replaces section 241 with a more up to date provision that gives the Registrar-General flexibility in his requirements as to plans that are lodged with him. Clause 21 makes an amendment to section 242 of the principal Act. Plans prepared by the Registrar-General are 'accepted for filing' in the Lands Titles Registration Office as opposed to being 'deposited'. The amendment corrects the ommission of the words from section 242. Clause 22 inserts short and long forms of easements as the sixth schedule to the principal Act.

The Hon. H. ALLISON secured the adjournment of the debate.

POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) BILL (1985)

Adjourned debate on second reading.
(Continued from 27 February. Page 2955.)

The Hon. J.D. WRIGHT (Deputy Premier): When I was speaking last evening before the House adjourned, I was dealing with some of the matters raised by the member for Mitcham, and I had almost completed the reply in response to the anonymous complaints clause of the Bill and the comments of the member for Mitcham. Before I continue, I would like to tell a story. During the period of consultation and discussion on this piece of legislation a lady rang complaining quite bitterly about provisions covering anonymous complaints being included in the Bill. As is usual when someone rings my office they are asked to identify themselves, but that lady would not do so. She was complaining that anonymous complaints were to be covered by the Bill, yet she wanted to remain anonymous and would not give her name! I leave that thought with honourable members.

Another matter raised by the member for Mitcham related to the right of entry. Clearly, the Authority is of status comparable to a magistrate and therefore it would be of little significance to require the Authority to obtain a warrant from someone of equal status. Surely, that makes good sense, and the position would become cumbersome otherwise, in my view. The Government would obviously appoint a responsible person with the appropriate status to do that job. That person would be accountable to this Parliament and could be removed from office by this Parliament, if it so desired.

The Ombudsman has this power and to my knowledge there has been no abuse of that power and one would not expect it to be abused. The Government is not going to appoint someone to lead this Authority who is not a responsible citizen and who does not have the qualifications which are clearly contained in the Bill. However, in order to allay the fears of the Police Association, the Government has agreed that the Authority obtain a warrant signed by a special magistrate before searching private premises. I am sure that that overcomes the fears expressed by the Police Association in the discussions I had with it.

Another matter raised by the member for Mitcham concerned the interrogation of families. The Bill simply provides that any person may be required to provide relevant information to assist in the investigation. It is not an attempt to catch families of police members or to victimise or single them out in any way.

It is not unreasonable to assume that non police members, the ordinary public, may be involved in some way. It is therefore appropriate that the Authority can make inquiries of a third party. I think it is not only appropriate but mandatory that the Authority must have that power when it is pursuing an inquiry. The fact that these parties may be families of police officers is merely incidental but, if that is the case, I am afraid that is how it is to be.

In its present form the Bill provides extraordinary protection for close relatives of police members. But such protection is available to other members of the public only in proceedings before a court when a relative is charged with a criminal offence and this protection may be waived at the discretion of the presiding magistrate or judge. The Council for Civil Liberties, in one of its submissions to me, has referred to:

> That protected category of persons who are close relatives of police officers are without precedent in any other area of law which deals with the investigation of offences.

Under the proposed amendment that privileged position has been further enhanced. A person who is a close relative of a police officer may refuse to co-operate with the Authority on the grounds that any answer may tend to incriminate that member. I again believe we have certainly overcome the problems that were raised by the Police Association in that regard, and I think those matters that were raised by the member for Mitcham last evening have been protected in the provisions of the Bill.

Another matter raised was that there is no protection against self-incrimination. That is not correct: there is protection against self-incrimination. Under the previous Bill a person, including a member of the Police Force, was required to answer a question. The answer could not be used in criminal or civil proceedings except for offences under the provisions of this Bill. It is considered to be a reasonable provision and was the approach recommended by the Australian Law Reform Commission and adopted by the Fraser Government in its legislation covering investigations into complaints against the Australian Federal Police.

The New South Wales situation is exactly the same. As I indicated last evening in my response in an earlier part of my reply, in the main this Bill has been drawn from the Grieve Report and the committee of inquiry, and where we were lacking information we have taken into consideration the Federal law. I think that is the appropriate and prescribed place to go. If one does not have prescribed or similar legislation, one can only go to a proven area and we chose to go to the Federal law. As I have said, that law was introduced not by a Labor Government but by a Liberal Government.

The Ombudsman Act contains similar provisions—in fact, the Ombudsman has Royal Commission powers. I suppose quite simply the easiest way for the Government to have implemented this policy of establishing a Police Complaints Authority would have been to pass the whole thing over to the Ombudsman. It would have been a piece of simple legislation which would have taken about 10 minutes to prepare and a short time for consultation, but there was strong evidence and strong resistance from the Police Association about going into the realms of the Ombudsman.

The Hon. D.C. Wotton: We know why, too.

The Hon. J.D. WRIGHT: Whatever the reasons, it does not matter. The Government was cognisant of the objections by the police and it was decided in the interests of everyone concerned to implement the legislation in another way. I merely make the point that the Ombudsman has more powers than has this Authority. It would have been a simple matter for the Government to have acted in another way.

Another matter canvassed last evening was confidentiality. The Commissioner of Police raised this issue prior to the Association's raising it. The matter was dealt with at that time prior to the Association raising the issue. Provisions have been included to protect confidentiality of police information obtained by the Authority either through the doc-

uments or through the questioning. An amendment will be introduced to enable the adjournment of the investigation to ensure that police members have the opportunity to seek a certificate from the Commissioner protecting the confidentiality of police information.

That is one of the objections that one has to be careful about because it includes informers, and the police argue (I think quite properly) that there is a great need to protect information that they receive and to protect the individuals who give it; otherwise, quite clearly, the source would dry up. The way to overcome that is to empower the Commissioner to issue that certificate of confidentiality and in those circumstances the information will remain confidential.

The member for Mitcham also raised the matter of investigations involving discretion. The Police Association argued that examination of police discretion was too broad as it involves almost every act or decision a police member could make. One can understand that but I cannot come to terms with it. If that is the case, if we exclude the question of examination, many of the areas of complaint could not even be investigated.

So, what you are doing is setting up a system that will not work and cannot work, and that is not what the Bill is about: the Bill is about working, and we want this Bill to work. There are sufficient safeguards in the Bill to ensure that the investigatory discretion does not impede the operational effectiveness of the Police Force. I cite as an example the situation of a member of the Police Force exercising a discretion in accordance with accepted police practice. If, after investigation, the Authority found this practice unreasonable, unjust or oppressive, and this finding could in no way be seen as an adverse reflection on the police member involved, the practice could be changed only with the agreement of the Commissioner of Police and, failing this, a determination by the Minister which must be embodied in a proclamation by His Excellency the Governor pursuant to the Police Regulations Act. Clearly, there is no potential for the wholesale overturning of long-standing police practices and procedures.

I hope that I have covered the major points raised by the member for Mitcham. I am somewhat regretful that the honourable member whose responsibility is in this area was unable to be in the House yesterday. I know that he, too, regrets it: he would have liked to be here. But I thank the Opposition for its support of the Bill. I realise that they wish to move a couple of amendments. The member for Mitcham was also good enough to indicate to the House last night that there were some matters that the Opposition wanted cleared up. We will try our best to do that. We have the Parliamentary Counsel here and, if we cannot provide the answers, we will try to get them.

I thank the Opposition for the responsible way in which the member for Mitcham last night made his second reading speech. I know that is a long time since this Bill was first introduced and a lot of water has flowed under the bridge. It has taken a lot of hard work by a lot of people. The Police Commissioner has been involved at great length, as have the Police Association and members of the Police Force itself. I refer also, as I did last night, to the negotiating committee from the Australian Labor Party. I made some comments about their conduct and how well they behaved themselves.

I place on record my thanks to everyone who has assisted, including the Parliamentary Counsel and everyone who has been associated with the legislation. It has been slow and frustrating but, nevertheless, I believe that we now have legislation that is acceptable to everyone in South Australia. I conclude by saying that the Bill provides that the Authority must make a report to the Parliament annually, and I suggest that it would only be after the first report that we would be in a position to judge whether the legislation is working. Of course, if it is not, we will be guided by the recommendations from the Authority.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr BAKER: I take this opportunity because it is the definition clause from which much of the interpretation of the Act comes. Much attention was paid by the member for Hartley to the Federal Act and the part that it played in the construction of this Bill. My question to the Minister is two-fold. First, will the Minister inform the House that there are some differences between the responsibilities of the Federal Police in respect of State matters and the relationship at the State level, because great play was made on that by the member for Hartley? Secondly, does he personally endorse that any Federal legislation should be mirrored in State legislation? Those are two items that the member for Hartley dwelt on very heavily last night, I think a little unduly. Perhaps the Minister can inform the House.

The Hon. J.D. WRIGHT: I must confess that I am not clear just what the honourable member really meant. I did not have the opportunity of hearing the member, because I had someone sitting alongside me talking to me the whole time and I may have missed something of importance that the honourable member said. As I understood the question from the honourable member, he asked (or I thought he asked, in any case) whether there was a difference between the powers of the Federal police and those of the State Authority.

I do not believe that the State Authority's powers will be as strong as those powers that now exist in the Federal Act because of the changes that were agreed by the Police Association. But, as I said earlier, the second draft Bill was similar to the Federal Act, but I do not believe now that this Act is as strong. Therefore, less power will be placed in the State Authority than in the Federal Authority.

Mr BAKER: That was not really the answer that I was seeking. The member for Hartley, who is probably the legal expert on the other side of the House, tended to suggest that, because it was in the Federal Act, and some of these provisions were already there, somehow or other South Australia should embrace them because they were raised under the Fraser Administration. I was merely trying to point out, through an answer from the Minister, that they are different jurisdictions. The police jurisdictions are different, and I would not think that anyone in this House would wish to mirror Federal legislation in certain areas. That was just the point that I was making.

Clause passed.

Clause 4 passed.

Clause 5—'Appointment of Police Complaints Authority.'

The Hon. D.C. WOTTON: I move:

Page 3, line 2—Leave out 'five years' and insert 'seven years or holds judicial office under the Local and District Criminal Courts Act, 1926'.

When the Minister presented his second reading explanation, he said that the Authority was to be constituted by a legal practitioner of not less than five years standing and that the inclusion of this requirement had in a huge measure overcome the objection of the Police Association to a number of provisions where they felt that legal qualifications would be required to obtain a person of appropriate stature to exercise the power of discretion.

As the Minister has stated, I did not have the opportunity to speak in the second reading debate, and it is not my intention to go over those matters at this stage. However, I certainly received considerable representation outside the Police Association. As the Minister would be aware, most

of the negotiations took place between the Government and the Police Association, and I recognise that that is the suitable way to go about it because the Police Association represents over 3 500 members. So, it is appropriate that that should happen. However, one of the major issues that came to my notice time after time from individual police officers related to the qualifications or the appropriate stature of the person involved to exercise the power of discretion.

Therefore, we in the Opposition believe that it is necessary to move an amendment to increase the relevant period from five to seven years. This brings it into line with minimum magistrate status and makes clear that we believe that it is extremely important that the person who holds this authority should have the appropriate stature to enable him to do the job well. I can only repeat that there was considerable representation on this matter, and I am sure that the Government's acceptance of the amendment would be very well received by the South Australian Police Force generally.

The Hon. J.D. WRIGHT: I am not terribly much opposed to the proposition put by the honourable member. It does not worry me greatly whether it is five years or seven years, but there is a technical reason why it is not possible to extend it at this time. The honourable member is wrong when he says that to take it to seven years would make it comparable to magistrates. That is not right.

The period in relation to magistrates is five years, and that is why we took up five years in the first instance: to be consistent with magistrates. If one looks through the Bill and some of the other proceedings, one sees that magistrates will be hearing. So, we would have on the one hand a magistrate who was to hear some of the charges and, on the other hand, we would have someone of a comparable standing, but with a period of seven years.

As I said, it does not worry me greatly; on principle, it is neither here nor there as far as I am concerned whether it is seven years or five years. However, I am not in a position to accept it at this stage for those reasons, plus the reason that there has been general agreement among people to whom I have talked in relation to five years. In fact, unless my memory is playing tricks with me, there has been no criticism in recent times—once we reached agreement that it would be five years—that the person would need to have legal experience. Opposition to that ceased so far as my memory serves me. I do not therefore agree with the honourable member that it is a problem out there.

However, I do agree with the honourable member that it is not a very major problem, so far as I personally am concerned, whether it is five years or seven years. I would hope that he can see the technical point about having, on one hand, a magistrate with five years legal experience in one area determining something and, on the other hand, the Authority who would need to have seven years experience.

The Hon. D.C. WOTTON: I want to make quite clear that I did not say that there had been opposition to the period of five years. It was generally regarded that it would be an improvement if the Authority was a person who had served seven years or who was a judge of the District Court. I would need to check my reference in relation to the point I raised about the minimum magistrate status. I was of that opinion and I will have the opportunity to do that before the Bill goes to another place. I hope that the Minister will reconsider.

I do not recognise the technical hitch as such, but I do recognise that it is most appropriate that the person who fills that position be of sufficiently high status to be able to carry out that position well. I am sure that that is what the Government would want to see, too. If this does not happen the whole Bill will collapse on the floor. So, we will have the opportunity to check that out. I hope that the Minister and the Government will give that matter more consideration so that members in another place can reply to a similar amendment moved there; they may be able to accept the amendments that are now before the House.

The Hon. J.D. WRIGHT: I do not want to drag it out. I think that both the honourable member and I have made our points. I am prepared to give it further consideration. I would like to talk to the Attorney-General and other people about it. We may be getting into an area that may not be a good one to get into at this stage, because we are probably putting the Authority on the same level as judges. I do not know whether that is a good idea, a bad idea, or how the judges may react to that, because, when all is said and done, this person does not say that he will be a judge or an authority. We may be just expanding our usual service a little too far. I will discuss the matter with the Attorney-General and give it consideration before it goes to the other place.

Mr BAKER: For the Minister's enlightenment, I was aware that the police wanted this term extended to seven years because of status, etc. I also thought that I had better look at a precedent for this, so I looked up the Local and District Criminal Courts Act in my room: it just states seven years. We do not have any amendment on file to say that it had been reduced to five years. It is most unfortunate in this place that our own volumes cannot even tell us what the status of the law is; so, there was a linkage between the two facts when we put the proposition.

There was certainly a request to increase the term to seven years, because they believed that the person should be of the highest status or of a status suitable for that position. In the arguments, I linked the two together, because I believed that seven years was the appropriate term. Of course, it is not. The Act has since been amended. The argument still stands that the Police Department and police officers would like to see seven years as the standard, and this can show that the Government has due regard to the position.

Amendment negatived; clause passed.

Clauses 6 to 9 passed.

Clause 10—'Officers of Authority.'

Mr BAKER: I refer to clause 10 (5). What are the rights and obligations of seconded police officers? Do they maintain their status as a police officer or do they become subject to the rules of the Authority itself in the way that they conduct themselves?

The Hon. J.D. WRIGHT: While officers are on secondment, they are under the control and charge of the Authority but still have police powers to conduct investigations. The power applies only during the period of a secondment. I made this point the other day, and I make it again: a policeman or policewoman has exactly the same rights on secondment to another position as has any other public servant. I do not see why there should be any discrimination in those areas.

Clause passed.

Clause 11—'Acting Authority.'

Mr BAKER: The Government stated that this should involve a person with a legal background of at least five years. What is the intention regarding the status of his replacement? We all know that people have to go on leave or suffer illness, and there are also circumstances where they move on to greener pastures. What is the situation in relation to a replacement? As that person will have the full power of the Authority, what minimum qualifications are being prescribed for the position, and how will it be filled?

The Hon. J.D. WRIGHT: Quite obviously, anyone relieving for annual leave purposes must have qualifications similar to those prescribed in the Act, otherwise it would be

quite unlawful. We will have to look at it in the regulations to see how we are going to replace the person concerned and in what circumstances the replacement will operate. I have not thought of that at this stage. I thank the honourable member for bringing the matter to my attention. It would be quite unlawful to put in somebody with a lesser qualification than that of the person appointed under the Act. I will take the matter on board when looking at the regulations.

Clause passed.

Clauses 12 to 15 passed.

Clause 16—'Complaints to which this Act applies.'

Mr BAKER: It has been often mentioned that we cannot have an authority of this nature without allowing anonymous complaints. I, and I believe all other members on this side, understand that some of the most important information received by police authorities is given confidentially over the phone without name, rank or serial number being divulged. If we then disregard all information provided on an anonymous basis, we would surely suffer through getting no information at all. In this situation, a weapon exists for various members of the criminal community to use against the police. However, I am pleased that an added security has been put into the Bill which makes it clear to the Authority that there must be special reasons for the investigation. I believe that that was a necessary addition to the Bill.

Despite the sort of things of which we can assure people, if that is written into the Act we can show quite clearly to the Authority the power it possesses. This Parliament has determined that a set of criteria must be taken into account when determining anonymous complaints. It is a step in the right direction, and I congratulate the Minister for taking it on board, as there had been serious concern about the matter.

I believe that in subclause (3), under which a complaint to the Authority must, if required, be produced in writing, 'as far as practicable' should be inserted. There are good reasons for that, and I am sure that over a period the Authority will develop its own best technique for noting details and collecting information. In the normal process of events, if the person making the complaint reduces it to writing, the Authority is in a far better situation than if the complaint is made orally.

The other matter, which I am sure will be followed up in the regulations (although the Minister could confirm this), relates to the details required to be taken by the Authority involving complaints. There has been no indication of what details will be required. Perhaps the Minister could indicate what the regulations will contain and whether we will have prescribed forms for complaints in this situation.

The Hon. J.D.WRIGHT: In response to the first point raised by the honourable member, I believe he has answered it himself. In relation to the second point as to the definition of what the complaints may be and how this will be prescribed in the regulations, that can only be done in conjunction with the Authority, and through the effluxion of time and experience. In this State we are all new in this area. Whoever is appointed to this task will, certainly for a short time, learn from experience and from whatever information can be gathered from other States.

It would be difficult for me to lay down hard and fast rules to apply in those circumstances when they may be completely out of character or out of date by the time the Authority is set up and the regulations are implemented. That can only come through experience, and the person we appoint will be an experienced legal practitioner with five years experience in law and will be a very responsible person. No doubt the requirements under clause 16 involving requests by that the Authority that complaints be lodged will be sensible, practical and workable.

Clause passed.

Clause 17—'Right of persons detained in custody to make complaint to Authority.'

Mr BAKER: This is one of the real problem areas, and I notice that we have an amendment on file. Perhaps the Minister could look to the regulations to tidy up what could be potentially a very difficult situation with this clause. I have been informed that the throughput of all watchouses is approximately 30 000 bodies per year. I am also told that a fair percentage of those people come in in various states of inebriation and most are emotionally disturbed as a result of their arrest. It has also been suggested that a large number come in crying 'Police brutality'. The Minister can imagine that this is common for criminals who are arrested—it is always someone else at fault, and normally it is the police.

I notice an additional provision in regard to complying with the request to make a complaint under subclause (2). The problem remains that people being taken into the City Watchouse, for example, can say that they wish to make a complaint about the treatment received from a police officer. They may wish to have material available to do so. We all know that, if that person waits 24 to 48 hours, depending on how much alcohol he or she has consumed or on how difficult is their situation, that complaint will not arise. The potential exists for people to demand their rights to make a complaint about the actions of a police officer. Whether we invoke a 24-hour cooling off period and put it in the regulations or whether there is some means whereby we can let the situation drift for a little longer after the person concerned arrives in gaol, I do not know.

We may have to wait until the legislation has been in operation for some time before we know whether it is a theoretical or real problem, although I perceive that it can be a real problem. A complaint which is lodged must be answered. The last thing we want to do is clog up the investigating authority with complaints made in the heat of the moment, because they all require time. We know that the Victorian Internal Investigations Branch is two years behind in investigating its own affairs. The New South Wales Ombudsman is having great difficulty (there will always be difficulty with the New South Wales police) in managing his affairs and keeping up with complaints.

It is important that we do not let the system get bogged down with trivia and at the same time do not introduce such constraints as to prevent honest complaints from being lodged. This is an area where the Authority could receive a lot of nebulous material and have to spend a lot of time sorting it out. I ask the Minister to respond. Will he consider whether further changes are necessary to overcome difficulties which may occur?

The CHAIRMAN: The Chair has pointed out on several occasions that it has no power to insist that the Minister reply.

The Hon. J.D. WRIGHT: I do not see any need for a response, otherwise I would have responded. I was not asked a question. The honourable member made some comment with which I do not have any argument. He insists that I say I have no argument. I concur with his remarks but I did not hear a question. The honourable member made some comments about hypothetical events which may not occur, and I do not disagree with that. I do not see any need to waste the time of the Committee saying that I do not disagree with something he says. If I want to make something clear on a policy issue, I will always do so. The honourable member is entitled to his opinion about how the clause may work, and he may be right. We will only know by experience.

We took into consideration the objections of other people and changed that clause from its first draft, and the majority of people with whom we have consulted feel that it affords

the required protection. Again, it is a matter which the Authority will have to sort out as it proceeds. It is only by experience that we can learn. I do not disagree with what the honourable member says.

Clause passed.

Clauses 18 to 20 passed.

Clause 21—'Determination by Authority that investigation not warranted.'

Mr BAKER: I refer to subclause (1) *(a)*, and my question relates to the rationale behind the choice between the Grieve Committee recommendation and what is contained in the Federal legislation regarding the time lapse between the cause of the complaint and the lodging of the complaint. My second question relates to the operation of this clause in the case of a withdrawn complaint. There is no direction for the Authority to cease the investigation even after the complaint is withdrawn. That is common sense in most cases, although there are circumstances suggesting that some people might continue to pursue a matter. The suggestion was made to me that the measure would be enhanced by putting 'complaint withdrawn' as a reason why an investigation should not proceed.

The Hon. J.D. WRIGHT: The Federal Act provides for 12 months; the six months was taken from the Summary Offences Act, which we took as a guide in that respect. Although I do not completely follow the second question, I will obtain a written answer and supply it to the honourable member.

Clause passed.

Clause 22 passed.

Clause 23—'Determination that complaint be investigated by Authority.'

Mr BAKER: This clause provides for the determination that a complaint be investigated by the Authority. What is the legal position when the Authority determines that an investigation shall take place, at the same time as legal proceedings are being taken against an officer about whom the complaint is being made?

The Hon. J.D. Wright: A Supreme Court action or something?

Mr BAKER: It could be a Supreme Court action or a Local and District Criminal Court action—it would not be a civil action. What is the situation? Would the Authority stop all investigations or would it proceed?

The Hon. J.D. WRIGHT: Clause 21 (1) *(e)* provides a discretionary power, as follows:

> . . . if the complainant or person on whose behalf the complaint was made has exercised a right of action or has exercised a right of appeal or review in relation to the matter complained of and there are not, in the opinion of the Authority, any special reasons justifying the investigation or further investigation of the complaint;

I think that takes into consideration that if any other action is taking place the Authority has a discretion to act. Surely these things are common sense, are they not? I point out again that everything cannot be written into an Act to give total and absolute guidelines to any agency, whether it is the Ombudsman, the Authority, or whatever the case may be. I do not know how the honourable member can make those conjectures. However, I think the provisions in clause 21 (1) *(e)* cover those circumstances. Nevertheless, where there is a duplication of actions against an officer, I think judgments will have to be made about which procedure should be followed. I think the Authority and the Police Commissioner may have to consult about such matters and make a judgment as to an offence being a criminal offence or being a complaint against the officer. But, again, I think it gets back to common sense and discussion between the Commissioner and the Authority.

Clause passed.

Clause 24 passed.

Clause 25—'Investigation of complaints by Internal Investigation Branch.'

The Hon. J.D. WRIGHT: I move:

> Page 11, lines 27 and 28—Leave out 'matters alleged against him by the complainant' and insert 'general nature of the complaint'.

This amendment is designed to reduce the possibility of a court finding that evidence obtained as a result of questioning of a member of the Police Force is admissible. Subclause (7) presently provides that a member of the Internal Investigation Branch, before questioning the member to whom the complaint relates, must inform him of the matters alleged against him by the complainant. The Commissioner of Police has expressed concern that the present wording might be construed as requiring that all information obtained from the complainant that relates to the matter of the complaint is provided to the member. That is not thought to be appropriate or practicable at that stage of the investigative process. Instead, the amendment would require that the member be informed of the general nature of the complaint. It was agreed to amend this provision after receiving that advice from the Commissioner and after further consultation with the Association.

The Hon. D.C. WOTTON: Although we received late notice of this amendment, the Opposition has ascertained that the Police Association fully supports it, and I indicate the Opposition's support for it.

Amendment carried.

Mr BAKER: The Minister may have some trouble with my next question, because I want an explanation of a subclause. Subclause (2) provides that:

> An investigation or further investigation referred to in subsection (1) shall be conducted subject to any directions of the Commissioner, in such manner as the officer in charge of the Internal Investigation Branch thinks fit.

My question is: what about direction by the Authority? The Minister will probably need to obtain some advice on that. Also, what does subclause (4) mean?

The Hon. J.D. WRIGHT: Clause 26 contains a provision whereby power is directed through the Commissioner. It should be remembered that the officer is working for the Commissioner of Police and not for the Authority. So, in clause 26 the power is vested in the Commissioner. I think that answers the question.

Mr BAKER: I also asked for an explanation of subclause (4), but I will withdraw that. I think it is even outside the comprehension of the Parliamentary Counsel.

The CHAIRMAN: Order! I would suggest that in relation to the questions asked by the member for Mitcham he was referring simply to some legal question as to what might or might not transpire. The Bill simply sets up an Authority, and the honourable member should not be entering into the area of legal matters that may or may not arise from certain clauses. I am trying to be helpful to the honourable member, although I do not know whether I am succeeding. There is no question in relation to obtaining legal advice about these matters.

Mr BAKER: I was simply seeking clarification. I was asking what certain provisions mean or whether there is conflict with other areas. I cannot see anything wrong with that. I was not putting forward hypothetical examples. Complaints have been made to me, and I was asking what certain things meant.

The Hon. J.D. WRIGHT: What is the honourable member's difficulty in relation to subclause (4)? It is a fairly straightforward provision. I do not understand the honourable member's asking for clarification of that. Surely it is self-explanatory.

Mr BAKER: I will not pursue the matter.

Clause as amended passed.

Clause 26—'Powers of Authority to oversee investigations by Internal Investigation Branch.'

Mr BAKER: It is not clear what the Authority can recommend to the Commissioner of Police. I understand that the Authority has a right to say to the Commissioner, 'We believe that there has been a breach of regulations,' or, 'We believe that there has been conduct unbecoming on the part of the police officer.' The Minister must have had a clear idea as to how far that Authority could go in its report when he set up this Bill. Can he report on how serious he believes the breach is? Further, can he suggest some action so far as penalty is concerned? I would like a clear definition of what the Minister believes to be the power of the Authority.

The Hon. J.D. WRIGHT: The establishment of the power of the Authority is very clear: he has power to recommend further prosecutions, power to deal with the complaint himself and power to consult with the Commissioner. If there is a disagreement, there is a provision that they come to the Minister. The Authority has all the powers required to deal with any set of circumstances that may arise. If that is subsequently proved incorrect, we will only find out through the annual review which may show that there are insufficient powers. Although we think the powers are there, they may not be. However, I suggest that from the way that clause reads there is sufficient power for him to act.

Clause passed.

Clause 27 passed.

Clause 28—'Investigations of complaints by Authority.'

The Hon. J.D. WRIGHT: I move:

Page 14, lines 43 to 45—Leave out 'set out in the notice by which the requirement is made particulars of the matters alleged against the member by the complainant' and insert 'state in the notice by which the requirement is made the general nature of the complaint'

This amendment deals with the same matter as the previous amendment. In this case, it concerns the power of the Police Complaints Authority to question the member of the Police Force to whom a complaint relates. The Authority is, under the clause, authorised to issue to a person a written notice requiring the person to furnish information or to produce a document or record or to attend before him at a specified time and place and there to answer questions relevant to a complaint. Subclause (8) presently requires that a notice directed to the member of the Police Force the subject of the complaint must include particulars of the matters alleged against him by the complainant. As in the case of the previous amendment, it is thought to be more appropriate that such a notice be required only to state the general nature of the complaint.

Amendment carried.

Mr BAKER: One question that will obviously be paramount when people from the Authority are dealing with people from the police will be worked out over time, but again the Minister must have had some firm ideas of what form of co-operation will take place between police officers at the local level and representatives of the Authority. In New South Wales some problems have arisen in relation to Authority people or, in this case, the Ombudsman's Office, requiring information from police officers at a time when police officers suddenly find themselves very busy. It is not a hypothetical question: it has happened. To what extent will the Authority have authority over normal police duties?

The Hon. J.D. WRIGHT: This clause is very clear: it is mandatory that if the Authority requires the services of a police officer, the Commissioner is bound to provide them. That is the sort of co-operation that is required from the Commissioner of Police and I have no doubt that it would be there. I am not in a position to comment on what happened in New South Wales and whether some rebellious attitude was taken by the Commissioner of Police there. However, I cannot visualise those circumstances occurring in South Australia. I am confident that the Commissioner of Police here or his representatives would be totally co-operative so far as seeing that justice is done.

Clause as amended passed.

Clauses 29 to 31 passed.

Clause 32—'Authority to make assessment and recommendations in relation to investigations by Internal Investigation Branch.'

The Hon. D.C. WOTTON: The Minister has taken the opportunity to say something about police discretion. However, I express my concern about this clause. Although I do not know the answer, I seek a little more explanation than has so far been provided by the Minister.

I am aware that the Police Association sought comments (as the Minister would know) from Mr Borick and that he was particularly concerned about the scope of the Authority's power to investigate police discretion. The word 'conduct' under this clause includes any decision, failure or refusal to make a decision by any member of the Police Force. Pursuant to clause 32, the Authority has a right to assess whether a member has exercised a discretionary power for an improper purpose or on irrelevant grounds in a particular.

In clause 32 (1) *(a)* (iii) that point is made very clearly. I know that there have been discussions between the Police Association and Mr Borick, but it would appear that Mr Borick is still concerned about this clause. Some time ago he indicated that he felt it was generally thought that the Authority would not be able to investigate any matter that was not covered by the disciplinary matters referred to in regulation 27 of the regulations under the Police Regulation Act.

He says that while the Association may have been of that opinion, he certainly does not agree (and goes into some detail in comments which I am sure the Minister would have been given an opportunity to look at). I, too, see the significance of this question about the ambit of the Authority's power. It is important that it be cleared up. I had hoped that the Minister could provide more information than he has so far at the conclusion of the second reading debate in regard to the discretionary powers of the Authority, because it is causing considerable concern to the Police Force generally.

The Hon. J.D. WRIGHT: I responded to this matter in the second reading debate, and I cannot add much to that. It has been under constant review, and no-one can find the direct answer to the problem. I have had lengthy discussions with my legal people, with the Association and with the Police Commissioner about this matter, and it is something to which no-one can find an answer that satisfies everyone involved. It is a difficult problem—I am not suggesting that it is not. We have looked at it over and over again to try to find a solution that satisfies all the people who are opposed to it, but we have not been able to do so—obviously, if they are still raising the matter with the Opposition. However, I noticed the result of a poll in Saturday's *Advertiser* showed that there is now 100 per cent support.

The Hon. D.C. Wotton: There is still concern.

The Hon. J.D WRIGHT: Very well. I have said all that I can say about it. I have had all the consultations I can and I have tried to find a solution to it, but I cannot do so.

Clause passed.

Clauses 33 to 44 passed.

Clause 45—'Reasons for decision.'

Mr BAKER: In discussions that I have had with police officers they raised the point about a person obtaining the reasons for a decision being made. The period of seven days seemed to be rather restrictive. I would think that 21

days would be a far more reasonable period of time. Was this matter raised with the Minister, and, if so, did he reject the idea on some particular ground?

The Hon. J.D WRIGHT: The matter was not an issue in any of the discussions that I had with the Police Commissioner or the Police Association.

Clause passed.

Clause 46—'Appeal against decision of Tribunal or punishment for breach of discipline.'

Mr BAKER: The Tribunal can make a finding as to the circumstances of a case—whether the charge is found or not. It can also make some observations about the circumstances or the seriousness of the charge itself. Does a person have a right of appeal to the Supreme Court on the finding only—whether there is a charge to be answered—or does he have a right of appeal on any words that have been stated by the Tribunal?

The Hon. J.D. WRIGHT: I am advised that an appeal can be lodged only on the findings.

Mr BAKER: That leaves a void in the system. If the Tribunal has made a finding on whether a charge is sustainable, whether an offence or a breach of discipline has been committed, or whatever, it might also say that in its belief something is a serious breach or that it may have been due to family circumstances at the time. I find it slightly intolerable that the full findings of the Tribunal are not available for appeal in the Supreme Court.

Clause passed.

Clause 47—'Application to Supreme Court as to powers and duties under Act.'

Mr BAKER: There is some difficulty in determining whether a breach has occurred, because the powers are less clear. Under those circumstances, can the Tribunal find neither guilt nor innocence because the powers and responsibilities are unclear?

The Hon. J.D WRIGHT: I will have to obtain advice and I will let the honourable member know.

Clause passed.

Clause 48 passed.

Clause 49—'Offences in relation to complaints.'

Mr BAKER: Is there a conflict between the provisions of this Bill and the Police Regulations Act, or are there dual provisions regarding the conduct of a police officer when it involves this offence?

The Hon. J.D WRIGHT: No-one has pointed out to me that there is a conflict. Plenty of people have looked at this Bill over the past eight or nine months, and I suggest that there is no conflict. In order to be absolutely certain, I will have the Parliamentary Draftsman check it and I will advise the honourable member.

Clause passed.

Clauses 50 to 52 passed.

New clause 52a—'Minister to review and report to Parliament upon operation of Act.'

The Hon. D.C. WOTTON: I move:

Page 28, after line 5—Insert new clause as follows:

52a. (1) The Minister shall, as soon as practicable after the expiration of two years from the commencement of this Act, cause a review and report to be made upon the operation of the Act.

(2) The Minister shall, as soon as practicable after his receipt of the report, cause a copy of the report to be laid before each House of Parliament.

I know that the Minister will say that the Authority must indicate at the end of every 12 months how everything is going, what it has been involved in, and so on. That is spelt out clearly, but I am not talking about that: I am talking about a general overview report of the workings of the Act itself.

This whole matter of setting up such an Authority has been a contentious one. There has been much consultation and debate about the workings of the Bill. There are still some clauses which, on legal advice, are unclear; and there are matters like the discretionary powers in relation to which the Minister himself has indicated that they have not been able to find answers.

We do not know whether or not they will be problems. There are a lot of areas in regard to this legislation that will work on a matter of trial and error. I know that this move is strongly supported by the Police Association and the police. I do not think that it is too much to expect that a report be brought down and that a review be carried out. Two years is generally recognised as being time enough to see whether there are any problems with the legislation.

As I have said, we do not know what the outcome will be. In some of these areas we are not even able to look at complementary legislation in other States, so there is a very real need to review it and for a report to be brought down into the Parliament. If the Minister is not prepared to give a commitment that this will happen and to have it written into the legislation, a Liberal Government will do it. It may be that the Minister will not be sitting on the front bench in two years time. There is a very good chance that that will not be the case.

The Hon. J.D. Wright: Do you think—

The Hon. D. C. WOTTON: Well, he might not be here at all. That is up to the Minister. It is most unlikely that we will have a Labor Government in two years, and I can give an assurance that a Liberal Government will carry out such a review. I make that point right now. So, I hope that the Minister will recognise the need for such a review. It is not an arduous task, and I am sure that the Police Department and the Police Association would welcome it. So, I urge the Minister and the Government to support the amendment.

The Hon. J. D. WRIGHT: I do not have any strong views on it, to be completely honest. So, I will not get up and say the obvious: that there is provision for the Ombudsman to report each 12 months. There is of course—

The Hon. D.C. Wotton: Are you calling him an Ombudsman or the Authority?

The Hon. J.D. WRIGHT: The Authority. He will be called what the Act says he will be called: the Authority. However, I want time to talk to some people about this provision. The honourable member says that he knows that the Commissioner would be delighted with this.

The Hon. D.C. Wotton: I did not say that. I said that the Police Association will be delighted, and I am sure that the Police Department will also be!

The Hon. J.D. WRIGHT: The honourable member referred to the Commissioner or the Department—one or the other. He should look at what he said in *Hansard* and do not let us argue about it. I am not sure that they would be, but I have not been asked to do such a thing. It has certainly not come before me. I can see some merit in it. I am not throwing it to the wolves at the moment: I am prepared to think about it and to discuss it and, if there is support for it, we can easily fix it in the Legislative Council. But I am not in a position to agree to it tonight.

I would like to know how much consultation the honourable member has done on it, because it has not got back to me through any channels at all about a review in these circumstances. I want to think about it and to talk to some people about it. Apart from a couple of points, the honourable member has not been very convincing in his argument about what good it would do, except to say that the Liberal Party would do it if it happened to get back to office, and so forth.

The Hon. D.C. Wotton: You were talking to someone else while I was giving all those views.

The Hon. J.D. WRIGHT: I was not really talking to anyone on that occasion. I was listening to this, because I was interested in this amendment to see whether or not the honourable member could convince me. The best I can do for the honourable member (and I mean this) is have another look at it and talk to some people. If we can come to terms with it and if people support it, very well: it can be done in the Legislative Council. I do not have any strong views against it: I can tell the honourable member that.

The Committee divided on the new clause:

Ayes (19)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Lewis, Mathwin, Meier, Oswald, Wilson, and Wotton (teller).

Noes (21)—Mr Abbott, Mrs Appleby, Messrs Crafter, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Pairs—Ayes—Messrs Ingerson, Olsen and Rodda. Noes—Messrs L.M.F. Arnold, Bannon, and Keneally.

Majority of 2 for the Noes.

New clause thus negatived.

Clauses 53 and 54 passed.

Clause 28—'Investigation of complaints by Authority'—further considered.

The Hon. J.D. WRIGHT: I move:

Page 16, after line 40—Insert subclause as follows:

(18a) Where a member of the Police Force is of the opinion that he might, in complying with a requirement of the Authority or an authorised person made in the exercise of his powers under this section, disclose information that should be the subject of a certificate of the Commissioner under this section 48 (3), the member shall be entitled to refuse to comply with the requirement for such period (not exceeding 48 hours) as is necessary for the purpose of enabling the Commissioner to determine whether or not to furnish such a certificate in respect of the information.

Clause 48 (3) presently enables the Commissioner of Police to issue a certificate that prevents disclosure of such information by the Authority or an officer of the Authority without the Commissioner's approval or the Minister's approval given after consultation with the Commissioner. This amendment is, therefore, designed to give to a member of the Police Force the opportunity to obtain such a certificate from the Commissioner before the information is provided to the Authority.

Amendment carried; clause as further amended passed.

Title passed.

Bill reported with amendments.

The Hon. J.D. WRIGHT (Deputy Premier): I move:

That the third reading be postponed and taken into consideration on motion.

Motion carried.

OMBUDSMAN ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 1 November. Page 1766.)

Mr OSWALD (Morphett): The Opposition supports this Bill as a measure consequential to the Police (Complaints and Disciplinary Proceedings) Bill, which provides a scheme under which complaints relating to the police as well as administrative acts by the Police Department may be investigated by the proposed Police Complaints Authority. At present, the Ombudsman Act applies to some administrative acts of the Police Department, although it does not apply to the actions of police officers whilst acting in their capacity as such. The Opposition accepts that the existing legislation could lead to some overlap between the investigative powers of the Ombudsman and the Police Complaints Authority, and as we have supported the Police (Complaints and Disciplinary Proceedings) Bill that has just passed this House we have no difficulty in supporting this Bill.

The Hon. J.D. WRIGHT (Deputy Premier): I thank the Opposition for its support.

Bill read a second time and taken through its remaining stages.

POLICE REGULATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 November. Page 1771.)

Mr BAKER (Mitcham): This, again, is legislation consequential on the Police (Complaints and Disciplinary Proceedings) Bill. It takes the term 'punishment' out of the police regulations and makes the Bill consistent in its reference to the Police Commissioner in respect of offences and punishment. I find no fault with the Bill, as it is quite clearly necessary in view of the legislation that we have just passed, and the Opposition supports this measure.

The Hon. J.D. WRIGHT (Deputy Premier): I thank the Opposition for its support for the Bill.

Bill read a second time and taken through its remaining stages.

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 2949.)

The Hon. B.C. EASTICK (Light): The Opposition supports this measure, which enables the creation of rolls necessary for the preparation leading to the next general election. It is a matter that was not foreseen on an earlier occasion, and no provision existed. I can accept that, with the relatively archaic equipment available to the State Electoral Office in the computer field, there is no way that it could handle two sets of rolls at present. I genuinely believe that we should be striving for better equipment for that office, which is vital not only to the affairs of State as they affect the House of Assembly and the Legislative Council but also to local government and, indeed, a number of other electoral areas.

Whilst I am not suggesting that the Government buys new equipment tomorrow, I genuinely believe that it is an area requiring urgent attention. Local government bodies are quite concerned that undertakings given to prepare a new roll for the wards will not be available for the first election on 4 May and that, in fact, the roll will be of no value to them until approximately 4 May 1987, with the new method of local government election where there will be only one election every two years.

By missing the boat on this occasion, the provision of new ward rolls will be effective only as from the first Saturday in May 1987 unless there is a restructuring of a council at the direction of the Department or following advice from the Local Government Advisory Committee. I link up this matter with the Bill on the basis that, when approached for urgent assistance to fulfil these commitments, which have been made in good faith but which will not be met for local government, the Electoral Office has said, 'I am very sorry, but we are too busy effecting the rolls for the next State election. We cannot fulfil an obligation to local government as well.' I am not pointing the bone at anyone: I am simply saying that it is most unfortunate that,

whilst preparing for House of Assembly and Legislative Council elections, the urgent needs of local government are by-passed. Indeed, in a Bill that passed this House only two weeks ago containing amendments to the Local Government Act, part of the questioning undertaken with the Minister of Local Government on that occasion related to the ability of the Electoral Office to fulfil its commitment to local government.

A commitment was made by the Minister of Local Government, again, I believe, in good faith. However, less than two weeks later there is evidence to suggest that that commitment cannot be fulfilled, because of difficulties within the Electoral Office. I point out that, during the passage of this measure through another place, the Attorney-General as the Minister responsible for the Electoral Office was questioned at very close quarters by a number of members in that place about the manner in which the rolls to be created by this enabling Bill would be distributed, and it is quite clear that one copy will go to each sitting member of this House. A complete street roll will be available across the State for each of the Leaders of the three groups in the Upper House and one for the Electoral Office, the fifth to be divided among members of this place.

It is important that updates then occur regularly on a fortnightly or monthly basis and be distributed in precisely the same way. The Attorney-General has given members to understand that that will be the case. It is a sensitive area, and I believe that the Government must be particularly careful in handling the matter. We would expect that to happen, and such undertaking has been given. I support the Bill.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

The Hon. G.J. CRAFTER: I thank the member for Light for his indication of support for this measure on behalf of the Opposition. He gave a thorough explanation of the purposes of this very brief measure and the benefits that will flow from it to all members and thereby to constituents in South Australia, at a time when members are working under difficult circumstances with respect to new electoral boundaries. Obviously, the availability of rolls in this form will assist all members in performing the duties entrusted to them.

The member for Light also mentioned the propriety that is required of Parties and members of Parliament with respect to their use of this information. I can only assume that it will be treated accordingly and as it has been in the past. I do not have information before me on the matters that the honourable member has raised regarding local government elections, but I will refer those questions to the Minister of Local Government. Again, I thank the Opposition for its support for this measure.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Repeal of heading to Part III and substitution of heading and new s. 12a.'

The Hon. B.C. EASTICK: Will the Minister confirm that the action we are taking on this occasion will flow through on all subsequent occasions so that, as soon as practicable after the creation of new boundaries, rolls relative to those new boundaries will be created and distributed? Presently we are considering an action which might have been contemplated almost 12 months ago. There will be a shakedown period after a distribution takes place: there is a three-month appeal period and therefore no assurance that the new boundaries would be tenable until after the finalisation of that appeal period. By enabling these rolls to be created now, I understand that we are enabling rolls processed following a future redistribution to be circulated at a much earlier stage than in this case.

The Hon. G.J. CRAFTER: This mechanism now will apply to subsequent redistributions that take place. The procedure that will flow as a result of this amendment will automatically apply in future redistributions. Of course, if a by-election occurs between now and the next general election, that by-election will be caught in the rolls and the electoral machinery will operate on all existing boundaries and not merely those amended and now in force as a result of the redistribution.

Clause passed.

Title passed.

Bill read a third time and passed.

PLANNING ACT AMENDMENT BILL (No. 2) (1985)

Adjourned debate on second reading.

(Continued from 21 February. Page 2773.)

The Hon. D.C. WOTTON (Murray): This Bill is really a Committee Bill, and it is not my intention at this stage to discuss the issues to which I will be referring in Committee. I appreciate that the Minister has seen fit to delay the further readings of the Bill until after the ensuing adjournment, because it is necessary to provide the opportunity for the many interest groups involved in planning to be able to comment on the Bill.

I am aware of the consultation that has taken place since the review committee, appointed by the Government, reported. I know that considerable submissions have been presented as a result of that review, and so there should be, as there has been much comment on the workings and administration of the Act itself. Many people made representations to me, and it is appropriate that those same people should make representations to the Minister. I am rather surprised again to find that the Bill currently before the House has not been circulated. It may have gone out to a few people, but I know that the many people who have contacted me about this legislation have made it clear that, until I made the Bill available after it was first introduced in this place, they had not had an opportunity to look at these provisions but, rather, they were expected to rely on the recommendations of the review report.

I am concerned it has taken so long for changes to be made to the Bill. I have made clear to the Minister and the Government before that the Opposition recognises, and has done so for some time, that there is a need for significant amendments. I appreciate what has been said in the Minister's second reading speech. He has emphasised that, having had the benefit of observing the operation of the Act for a two-year period, the Planning Act Review Committee is of the opinion that the Act is fundamentally sound. I believe that is the case and that it is the feeling of those who have spoken to me. There are some who have major concerns. Prior to our coming into Government last time, people were suggesting to me that the best thing that could happen was for the Planning and Development Act to be done away with and new legislation brought down. I find it interesting that some of those people now say it would have been better if we had done more work to the Planning and Development Act rather than bring down a new Act. I do not agree with that: I think the decision taken by the previous Liberal Government to bring down new planning legislation was appropriate, but time will back up that opinion. We do not

know, except with hindsight, how things will work out and how people will react.

Prior to the Act's being brought down and the changes being made, many people were saying, 'We are fed up with decisions being made at the central level and we should have the opportunity for decisions to be made at the local level.' Now that that opportunity is provided, some of the people are saying, 'We are not sure whether this is such a good idea; we have problems now that local government is being given more responsibility and it might be better if the power is with the central authority.' It is recognised by both sides of the House that, particularly in planning, it is difficult to please everybody. I am glad the Review Committee has come down with the decision that the Bill is sound, but I reiterate that it is a pity it has taken two years to correct some of the obvious mistakes in the legislation.

I indicated at the time of bringing down the Bill that if we had been in Government we would set up a Review Committee to monitor the legislation immediately upon coming into Government for the second term. It is my opinion that we might have gone further than the Government has gone in regard to amendments. We have clearly spelt out, both in this House and publicly, how we feel about some of the provisions. When we come into Government, time will tell the final direction to be taken. I will refer to that later.

The Bill which we brought in, which is now the Planning Act, was designed to give effect to the then Government's policy of ensuring that there was legislative and administrative reform in the planning field, so that the planning requirements and procedures reflected the wishes of the community, recognising (as I have said) that it is difficult to come to terms with what the community needs or wants as far as planning provisions are concerned. The Planning Act and the complementary Real Property Act, which were amended, aimed to simplify the existing planning laws of the day and to streamline the decision making process, providing more flexible methods of regulating development in both urban and rural areas. There would be many people who would suggest that has not been achieved and that appropriate steps should be taken to amend the legislation to ensure that it happens.

There were a number of changes in that legislation which were significant and it is not my intention to go through all of them. However, we recognise that the new Bill came about as a result of much consultation over a long period of time, going back to when Stuart Hart was first commissioned by a previous Labor Government to carry out an inquiry into the control of private development. That report was tabled in 1978 and has flowed through. I mentioned earlier that the Liberal Party had made its intentions clear regarding changes it saw as necessary.

The SPEAKER: Order! I ask the honourable member to resume his seat.

POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) BILL (1985)

His Excellency, the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

PLANNING ACT AMENDMENT BILL (No.2) (1985)

Second reading debate resumed.

The Hon. D.C. WOTTON: I was referring to some of the changes that would be made to the planning laws in this State by a future Liberal Government and indicating that we would look to introduce more certainty into the applications of the Planning Act. I hope the appointment of a development co-ordinator is a matter which the present Government might take up at a future time.That person should be responsible directly to the Premier, with the duty of acting as a trouble-shooter to prevent log jams and unnecessary restrictions or delays in relation to major developments in this State. It has been indicated on a number of occasions that the present Government is looking down that same track, so we may in the near future recognise that that is a decision the Government has made, in which case we will be supporting it. If not, we look forward to doing that in Government.

I want to look at some of the ways to ensure the legislation best serves the South Australian community. We want to protect and maximise the personal freedoms and independence of owners and occupiers of property and we have indicated on a number of occasions in this place recent examples where the proper planning procedures have been followed and approval granted, only to have third party appeals stifle and unduly delay important developments. The Minister would be aware of the concern of the community about that.

Fundamental to our policy also is the recognition that the appropriate time to provide the community with the opportunity for discussion and input is at the zoning stage through development and supplementary development plans. Again, we have suggested on numerous occasions that it is too late to attack the development after it has received all the required approvals and is well under way. Unfortunately, in many cases that is happening. We have suggested that both State and local government have an obligation to anticipate their requirements in regard to planning by clearly defining such things as zoning, density, height and other requirements by statutory controls.

We have indicated that, as a Liberal Government, we will ensure that there is a clear understanding of the uses or constraints on the development of any property by the promulgation of specific regulations and guidelines. We have also stated that if local government is unable to meet its responsibilities to define requirements through development plans because of local pressures, or for any other reasons if it comes to that, we recognise that an option is for the State Government to exercise its authority under the Act, and perhaps that should be happening a little more than it is currently.

Our policy also recognises the significant problems associated with the current extensive application of consent use applications or procedures. We have suggested, and will continue to suggest, that that is contrary to positive forward planning, and that there are very real advantages in having all development plans with permitted and prohibited uses clearly defined. I think that that has been made clear on a number of occasions, while at the same time recognising that there is a need for the modification of consent for prohibited use, in that if a development is deemed to be desirable and meets certain criteria defined in the development plan consent may be sought from the local community for approval of that development. In that event, adequate opportunity must be provided for objections to be considered.

We have also indicated that we wish to see that there is no objection to a permitted use development. I could go on, but I do not intend to do so. I have already indicated that this legislation is really a Committee Bill. The Opposition will move a number of amendments. In view of the representations that have already been received, it is quite obvious that the time that will be available next week due to the House not sitting can be used to analyse these matters and

formulate necessary amendments. The Opposition recognises the need for amendments. We support the legislation generally but will seek to amend the Bill in specific areas during the Committee stage.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): First, I confirm a matter raised by the honourable member, that it is the Government's desire that progress be reported on this Bill after clause 1 in the Committee stage to enable those who wish to amend the Bill to consider those amendments next week. That does not suggest the possibility of Government amendments in any large measure at all, because, of course, the Government is quite happy with the legislation as introduced. However, the Government is quite happy to accommodate that wish. Secondly, I thank the honourable member for the consideration that he has given to this measure. I appreciate the difficult circumstances in which he has had to do his homework leading up to today's debate. I assume that I am in order in referring to a couple of the matters in the honourable member's speech, which perhaps could have been called a policy speech on behalf of his Party.

I refer briefly to his reference to third party appeals, because I am not quite sure what arises from the honourable member's statement of concern in this matter. The honourable member would be aware that the Government has before the Joint Committee on Subordinate Legislation a regulation that would limit the ambit of third party appeals in certain circumstances. I do not imagine that I am in order in further canvassing the rights and wrongs of that matter. However, the honourable member's statement of concern really has not indicated just what a future Liberal Government might do in relation to third party appeals.

The Hon. D.C. WOTTON: We figure that we will have every opportunity to do that later.

The Hon. D.J. HOPGOOD: I think the public of South Australia would be interested in the earliest possible indication of any further reining in of the ambit of third party appeals because, for the most part, so far as I can see, South Australians are very keen on the concept of third party appeals and might be very alarmed if it is thought that they were to be very substantially reduced or even eliminated. We will await with a good deal of interest further refinement of that policy.

The only other matter that I will refer to is one that could be misinterpreted and, indeed greeted with some alarm by local government, and I refer to the honourable member's statement about consent applications. It is true, of course, that where there is a very wide field for consent applications there is less predictability in the system than is the case where applications for the most part are for permitted or non-permitted land uses.

Even if the public is not so enthusiastic about this matter, certainly local government is. Indeed, in relation to the scheme of legislation introduced by the honourable member (although, of course, it is something that was initiated as early as 1978 under former Minister Hudson), this legislation for the most part compared with what it replaced transfers the initiative very much to local government in setting the ground rules. Further refinement of that policy I am sure will be greeted with a great deal of interest. If the honourable member has in mind a drastic reduction of cases in which consent is required, under the Act that really requires initiative from local government unless something as Draconian as a Ministerial supplementary development plan, which would apply to the whole State, was contemplated.

I imagine that a good deal of very hard work will have to be done with local government before it would be prepared to consider with a degree of equanimity the prospect of that sort of initiative. So, it is the mechanics of these interesting ambitions on the part of the honourable member which would be of particular interest to me and I think to the people of South Australia. I thank the honourable member and the Opposition for their support for the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

CARRICK HILL TRUST BILL

Returned from the Legislative Council with amendments.

STATE DISASTER ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, line 21 (clause 5)—After 'submitted by the' insert 'Director of the'.

No. 2. Page 2, line 25 (clause 5)—After 'submitted by the' insert 'Chief Officer of the South Australian'.

No. 3. Page 2, line 30 (clause 5)—Leave out 'Service' and insert 'Services Board'.

No. 4. Page 5 (clause 13)—After line 36 insert new subsection as follows:

(2a) All moneys held in the account kept at Treasury entitled the "Premier's Bushfire Relief Appeal Trust Fund" as at the commencement of the State Disaster Act Amendment Act, 1985, shall, upon the establishment of the fund referred to in subsection (1), be paid into that fund, and those moneys may be disbursed for the relief of persons who suffered injury, loss or damage as a result of the disaster in respect of which the moneys were received, or of persons who suffer injury, loss or damage in some future disaster.

No. 5. Page 5, line 41 (clause 13)—Leave out 'No' and insert 'Subject to this section, no'.

No. 6. Page 6 (clause 13)—After line 2 insert new subsections as follows:

(5a) Where the committee is satisfied that it has made sufficient payment to all persons who suffered injury, loss or damage as a result of a particular disaster, the committee may, with the approval of the Governor, leave the balance of the moneys in the fund for the relief of persons who suffer injury, loss or damage in some future disaster.

(5b) Where the committee is of the opinion that a person who suffered injury, loss or damge as a result of a disaster has been overcompensated for that injury, loss or damage by reason of being paid—

(a) moneys from the fund or, in the case of a payment made before the commencement of the State Disaster Act Amendment Act, 1985, from the fund entitled the "Premier's Bushfire Relief Appeal Trust Fund"; and

(b) damages or compensation from another source, the committee may, by notice in writing given personally or by post to the person, require him to pay to the fund the amount of the overcompensation as determined by the committee and specified in the notice.

(5c) A person who is given a notice under subsection (5b) is liable to pay to the fund, as a debt due to the Crown, the amount specified in the notice within the time specified in the notice (being a period of not less than one month from the day on which the notice is given).

(5d) Moneys paid to the fund pursuant to subsection (5c) may be disbursed for the relief of persons who suffered injury, loss or damage as a result of the disaster in respect of which the moneys were first paid, or of any future disaster.

Consideration in Committee.

The Hon. D.J. HOPGOOD: I move:

That the Legislative Council's amendments be agreed to.

These amendments seem to be largely of a machinery nature. The Government is satisfied that they do not detract from the Bill in any way, and indeed may improve its operation. I therefore urge this motion on the Committee.

The Hon. D.C. WOTTON: The Opposition supports the motion. As the Minister indicated, most of the amendments

are technical or mechanical. In the other place both the Hon. Mr Cameron and the Hon. Mr DeGaris put forward views that concur with those expressed in this House. Those views have been expressed strongly, and I am pleased that the Government on this occasion has been prepared to accept the amendments covering the subjects referred to by those two honourable members and other honourable members in another place. I am sure that the amendments will improve the administration of the Bill.

Motion carried.

CONSENT TO MEDICAL AND DENTAL PROCEDURES BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendment.

POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) BILL (1985)

(Continued from page 3024.)

Third reading.

The Hon. D.J. HOPGOOD (Minister of Environment and Planning): I move:

That this Bill be now read a third time.

The Hon. D.C. WOTTON (Murray): I want briefly to make the point that during the debate on this Bill I was particularly disappointed that the Government and the Minister were not able to bring forward more information in regard to questions asked about the specifics of the Bill. This is poor when legislation has been on the table for so long. Admittedly, one Bill was withdrawn and another piece of legislation was put in its place, but a number of questions asked by my colleague, the member for Mitcham, were logical and demanded proper explanation. It is regrettable that that information was not able to be provided.

I hope that on other occasions the Minister will recognise the need to have appropriate information available and that, if he is not able to make it available, he will ensure that there are in the Chamber people who are able to assist him where advice is necessary. I hope that, in regard to future legislation concerning police matters, the Minister will follow that up so that the information is available.

Mr GUNN (Eyre): I support what my colleague has said. I sincerely hope that, now that this Bill has all but passed through this House, it is in a manner that will be complementary to the South Australian Police Force and that it will not in any way be used as a vehicle to make the life of police any more difficult or call into question the good reputation that the South Australian Police Force has enjoyed for many years. Probably out of all Police Forces in Australia the South Australian Police Force has been held in the highest regard. When I was overseas I made inquiries in relation to this measure, and I have some doubts about it.

However, I am prepared to give this Bill an opportunity to work. I sincerely hope that the Government is very careful in the administration of this measure. It should not be used as a vehicle for disgruntled or other elements who have axes to grind against the police to make life difficult for a very good Police Force. That does not mean to say that where there are genuine complaints they should not be investigated. I hope that this measure will enable the two functions that I have mentioned to be carried out.

The Hon. J.D. WRIGHT (Deputy Premier): I did not intend to participate further in this debate. Indeed, I rarely participate in third reading debates, because I do not see them as being of much consequence in any circumstances. I have risen to answer statements made by the member for Murray that I heard over the address system. I heard the honourable member criticising my inability to answer certain questions that were asked today in this Parliament. First, I know that it is not his fault, but the honourable member was not here yesterday when a comprehensive reply was given on matters that had been raised by the member for Mitcham last night and again today. I spent 30 to 40 minutes attempting to answer all the matters raised in the second reading debate.

Some technical questions were asked today, and it seems strange to me that they were asked by the member for Mitcham and not the member in charge of the Bill. I cannot remember the member in charge of the Bill asking a question to which he did not get a satisfactory answer. Some of the questions that the member for Mitcham asked were of a technical nature, and I am not aware of the answers to them. I am not a lawyer, nor do I pretend to be one; one must be honest about these matters. It is silly in such circumstances to gloss over some answer which one will be sorry about later, and which gives wrong information.

I undertook in those circumstances to have the questions studied by the lawyers and to give the honourable member written answers thereto. I told the honourable member that, so he will get his replies. This Bill is technical—there is no question about that—and the technical questions that were asked required technical answers. It would have been foolish of me to get up and give wrong answers in those circumstances, so I gave an assurance that those questions would be answered. It is ridiculous for the member for Murray at this late stage to criticise the conduct of the passage of this Bill, because there has been more consultation over this Bill than over any other Bill that has gone through this Parliament. So, I am a little disappointed that the member for Murray took upon himself in the third reading to make that criticism when I was doing my best in giving assurances that questions would be answered.

Bill read a third time and passed.

CARRICK HILL TRUST BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2 (clause 7)—After line 28 insert new subclause as follows:

(1a) One of the persons appointed to the Trust shall be a person who is a member of the Council of the City of Mitcham, nominated by that Council.

No. 2. Page 7 lines 1 to 3 (clause 19)—Leave out ', as soon as practicable after his receipt of a report submitted to him pursuant to subsection (1), cause a copy of the report to be laid before each House of Parliament' and insert 'cause a copy of a report submitted to him under subsection (1) to be laid before each House of Parliament within fourteen sitting days of his receipt of the report if Parliament is then in session, but if Parliament is not then is session, within fourteen days of the commencement of the next session of Parliament'.

Amendment No. 1:

The Hon. D.J. HOPGOOD: I move:

That the Legislation Council's amendment No. 1 be amended as follows:

Leave out 'who is a member of the council of the City of Mitcham, nominated by that Council' and insert 'whose principal place of residence is, in the opinion of the Minister, in the near vicinity of Carrick Hill'.

As the Bill left the other place, it indicated that a new subclause after line 28 should be inserted as follows:

(1a). One of the persons appointed to the Trust shall be a person who is a member of the Council of the City of Mitcham, nominated by that council.

The Committee will understand that I am acting for the Premier in this matter, as he is Minister for the Arts and has carriage of this legislation. I was briefed by the Premier before he left for a Ministerial meeting this afternoon, and the further amendment which has been placed before the Committee is in line with what the Government feels is the best outcome in this matter.

The Hon. D.C. BROWN: I cannot accept the amendment. To clarify the situation, I will carefully state the different facets of this Bill in its passage through this and another Chamber. The Liberal Party put up a proposal that there should be two local representatives on the Trust: first, the Mayor of the local government body involved (in this case, the Mayor of Mitcham); and, secondly, a local representative from the immediate vicinity appointed by the member for the House of Assembly seat. The Premier rejected both proposals but, in rejecting them, gave an undertaking. I quote from *Hansard* of 12 February, page 2401. The quote is very significant and states:

> There is no ability to secure that.

He is talking there about appointing a board. He continues.

> Certainly, in appointing a board, the local member should be consulted about possible nominees or individuals he thinks could be appropriate to be on it, but to enshrine it in legislation is wrong in principle in this instance.

There was an interjection, and the Premier then went on to say:

> I am certainly prepared to invite the local member to submit to me some names of persons he may think would be useful to serve on the Trust. I am also prepared to say that at least one of the persons envisaged there should be someone from the local vicinity who has a particular interest and, I hope, skills to offer in relation to Carrick Hill. I do not see a major problem in that area if the right spirit prevails, and there is no reason why it should not.

In other words, the Premier has said that he does not wish to have the appointment of members to the Trust taken out of his hands, and I can understand that. Therefore, I disagree with the amendment put forward by the Minister and agree with the principle that the Minister should appoint someone from the local vicinity, but only after consulting with the local House of Assembly member of Parliament. The Premier has agreed verbally to do that. He has given an undertaking, and I accept it.

I am not worried about this Premier and his appointment, because he has given me an assurance across the House. However, I am worried about the situation in 15 or 20 years time, when everyone has forgotten verbal undertakings given in this House. They will simply look at the original Act to ascertain who should be appointed to the Trust. The crucial issue is what is in the Act—not the undertakings given in this House, particularly when one is looking at a long term Act. I seek your guidance, Mr Chairman, about how I should move my amendment which is on file.

The CHAIRMAN: The member for Davenport should move his amendment, which will take precedence over the Minister's amendment. We will then put the honourable member's amendment and, if it is lost, the Minister's amendment will then be before the Chair.

The Hon. D.C. BROWN: Thank you, Sir. I move to amend the motion as follows:

> After 'Carrick Hill' insert 'and who is appointed after consultation between the Minister and the member of the House of Assembly to the electorate district in which Carrick Hill is situated.'

I stress that what I am seeking to have written into the legislation has already been agreed to by the Premier. I am disappointed that the Premier is not here to take the Bill, although I understand that he is away at a Minister's conference, which is quite acceptable. I believe that the Premier has left certain riding instructions without looking at this further possibility. If this matter was deferred, I believe that the Premier would accept my amendment. As it stands, the amendment moved by the Government is unacceptable. I would rather the amendment put forward in the Legislative Council, which said that a member from the Mitcham Council should be on the Trust, although I do not think that that is the ideal situation. The ideal situation is for the Government to have the say, but only after consulting with the local member of Parliament. After all, the person who is appointed to the Trust should be able to contribute to it, have local knowledge and be seen to be interested in local affairs.

Under my amendment there is no greater need than for the Minister to consult with the local member for the House of Assembly. That member, of course, would submit a series of names, and the Premier or Minister of the day would either say, 'Those names are acceptable', 'One name is acceptable', or 'No names are acceptable; put up some other names.' Under that situation, one could quickly reach agreement. Without that consultation the whole thing becomes a farce, with the Government appointing whomever it likes. This is not a conflict between the Government and me on this issue, because it appears the Premier has accepted what I have said, but the conflict will arise in years to come.

It is crucial to ensure that there is no conflict between local residents and the Trust with the development that takes place. If that occurs, it will be unfortunate for the overall development of Carrick Hill. Residents living in the area are edgy. I have told them of the Premier's undertakings and they accept that. Their argument, quite naturally, is that they want a long term assurance as to how Carrick Hill will be developed and some say in that development. For that reason, I ask the Minister to accept my amendment. If the Minister finds that he cannot accept it, I ask him at least to defer the matter until the Premier returns, because I am confident that the Premier will see the common sense of it. Indeed, I think that, having given a verbal undertaking to do so, the Premier would only be too happy to have that undertaking written into the legislation.

I think that is a far better proposal than to have the Legislative Council insist on its amendment that it be a local government representative. I understand the Government is unhappy with that, and I can perhaps understand why: there will be a conflict between this House and another place over a proposal which is perhaps not the ideal solution. I simply plead with the Minister to show some common sense in this regard. If he feels that he does not have the ing instructions to do so, the least he can do is to defer the matter until the Premier returns.

I point out that it is a hopeless situation trying to negotiate detail for a Bill which will have a long term effect on a local district, if the relevant Minister who knows it all is not present. I point out that a number of matters that I have raised concerning Carrick Hill were initially scoffed at from across the other side of the House. The Premier went off, looked at the facts and has now agreed to the proposal. I highlight the other two major amendments agreed to by the Premier concerning the sale of land and the uses to which Carrick Hill can be put. I believe we can reach agreement on this as well, provided the Minister uses his common sense and allows the matter to be dealt with on a basis between the Premier and me but with the concurrence of the Chamber.

The Committee divided on the amendment to the amendment:

Ayes (18)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, D.C. Brown (teller), Chapman, Eastick, S.G. Evans, Gunn, Ingerson, Lewis, Mathwin, Meier, Oswald, Rodda, Wilson, and Wotton.

Noes (20)—Mr Abbott, Mrs Appleby, Messrs Crafter, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs Becker, Blacker, Goldsworthy and Olsen. Noes—Messrs L.M.F. Arnold, Bannon, Keneally, and Peterson.

Majority of 2 for the Noes.

Amendment thus negatived; motion carried.

Amendment No. 2:

The Hon. D.J. HOPGOOD: I move:

That the Legislative Council's amendment No. 2 be agreed to.

Motion carried.

ADJOURNMENT

At 5.48 p.m. the House adjourned until Tuesday 12 March at 2 p.m.